

Government of Jodhpur

PROCEEDINGS

OF

THE CENTRAL ADVISORY BOARD

(SECOND SESSION)

AUGUST 1939.



JODHPUR:

PRINTED AT THE JODHPUR GOVERNMENT PRESS

1020

CONTENTS.

	Pages.
1. List of Members	1
2. Agenda	2
3. Message graciously sent by His Highness the Maharaja Sahib Bahadur in reply to the Resolution of loyalty passed by the Board in its first session	3
4. Consideration of the Draft Rules for the conduct of business in the Central Advisory Board and the District Advisory Boards ..	4
5. Further discussion on Mr. Radha Mohan's proposal regarding Restraining of Child Marriages in Marwar, brought forward from the first session	5
6. Proposals:—	
1. Encouragement of the Ayurvedic System of medicine in Marwar	13
2. Amendment of the Marwar Press Act of 1923	16
3. Stopping the attachment and sale of female animals by the courts in the execution of decrees	23
4. Facilities for the inhabitants of the Sursagar area	25
5. Rural Uplift Measures	27
6. Rural sanitation	31
7. Appointment of an expert to enquire into the causes of Guinea worm	32
8. Water scarcity in Marwar	34
9. Educational Reforms	40
10. Introduction of the Workmen's Compensation Act.	43
11. Prohibition of the use of narcotics and intoxicants by juveniles	44
12. Measures for the relief of rural indebtedness	45
13. Industrial development of Marwar.. .. .	49
14. Appointment of Stores Purchase Committee	53
15. Construction of a road from Raoti to Balsamand via. Ghora Ghati	54
16. Application of the Marwar Weights and Measures Act to the District towns	55
7. Appendices.	
(i) Draft Rules relating to the conduct of business in the Central Advisory Board and District Advisory Boards.	59
(ii) Draft Marwar Child and Ill-matched Marriages Prevention Act	65
(iii) Marwar Press Act, 1923	69
(iv) Marwar Juveniles Smoking Act.	73
(v) Draft Marwar Relief of Indebtedness Act.	75

The Central Advisory Board met in the Summer Public Library Hall at 4 p. m. on Monday, the 7th August, 1939, with Maharaj Sri Ajit Singhji Sahib, President in the chair.

PRESENT.

Official Members.

1. Khan Sahib T. G. Dalal, Secretary, Political Department.
2. Rai Sahib Billam Chand Bhandari, Secretary, Finance Department.
3. Mr. Bhopal Chand Lodha, B. Com., Secretary, P. W. Departments.
4. Mr. Rashid Khan, B.A., LL.B., Secretary, Revenue Department.
5. Mr. Kishen Puri, B.A., LL.B., Secretary, Home Departments.
6. Mr. R. P. Srivastav, B. A., L.T., Secretary to the Minister-In-Waiting.
7. Mr. P. S. Sinha, Secretary, State Council.
8. Rao Raja Mohan Singhji, B. A., LL. B., Assistant Secretary, Political Department.
9. Mr. Niranjana Swaroop, B.A., LL.B., Superintendent, Hawala Department.
10. Dr. C. J. Fernandes, Director of Animal Husbandry Department.
11. Dr. L. D. Sarronwala, M.B.B.S., D. P. H., (Lon.) Deputy Director of Public Health.
12. Mr. Narain Pershad, B.Sc., Inspector of Schools.

Non-official Members.

1. Maharaj Sri Guman Singhji.
 2. Rao Raja Udai Singhji.
 3. Thakur Devi Singhji of Bhadrarjun.
 4. Thakur Durjan Singhji of Daspan.
 5. Mr. Sukhdeo Charan, B.A., LL.B., of Popawas P. Jodhpur.
 6. Mr. Radha Kishen Miridha of Kuchera P. Nagaur.
 7. Captain Balwant Singh of Ulana P. Sambhar.
 8. Shah Zalim Chand, Advocate, Chief Court, Jodhpur.
 9. Mr. Nand Kishore, Vakil, Didwana.
 10. Mr. Abbas Ali Churigar of Pali.
 11. Mr. Rama Kag of Kavirajji-ki-Doli Pargana Jodhpur.
 12. Mr. Asad Ali Khan of Kachnau, Pargana Nagaur.
 13. Seth Gulab Chand of Pachpadra.
 14. Mr. Bulidan Singh Rathor, Barmer.
 15. Mr. Rughnath Mal Rai, Bali.
 16. Muhta Summer Chandji, Jodhpur.
 17. Mr. Chaturbhuj Gehlot, Jodhpur.
 18. Mr. Isaram Jat of Maroth, Pargana Sambhar.
 19. Mr. Kudha Bux, Jodhpur.
 20. Dr. Niranjana Nath Gurtoo, L.M. & S., Jodhpur.
 21. Rai Sahib Tansukh Vyas, Jodhpur.
 22. Mr. Radha Mohan, B. Sc., LL.B., Advocate Chief Court, Jodhpur.
 23. Mr. Inder Nath Modi, B.A., LL.B., Advocate, Chief Court, Jodhpur.
 24. Khan Rehmatulla Khanji, Jodhpur.
 25. Mr. Jai Narain Vyas, Jodhpur.
-

AGENDA.

1. The President will read the message graciously sent by His Highness the Maharaja Sahib Bahadur in reply to the Resolution of loyalty passed by the Board in its first session.

2. To consider the Draft Rules for the conduct of the business in the Central Advisory Board and the District Advisory Boards.

3. Further discussion on the proposal moved in the first session by Mr. Radha Mohan, regarding restraint of child marriages in Marwar.

4. To consider the proposals as detailed in the Memorandum sent separately.

5. Any other business.

The President read out to the house the following message graciously sent by His Highness the Maharaja Sahib Bahadur in reply to the Resolution of loyalty passed by the Board in its first session:—

“ MR. PRESIDENT AND MEMBERS OF THE CENTRAL ADVISORY BOARD

“ I record with the keenest pleasure my warm appreciation of the sentiments of loyalty and devotion, conveyed to me in your Resolution, and offer you all my sincere thanks for the same.

“ I am glad to learn from the Report that you successfully concluded the first session of the Board. I congratulate you on your success.

“ I assure you that your recommendations in respect of measures of public welfare will receive the best attention of my Government.”

UMAID SINGH,

Maharajah.

The members heard the message standing. The Hindi translation of the message was read by Mr. Kishen Puri, Secretary, Central Advisory Board.

CONSIDERATION OF RULES.

Mr. Kishen Puri, Secretary, Central Advisory Board, placed before the house for consideration the Draft Rules relating to the conduct of business in the Central Advisory Board and the District Advisory Boards, copies of which had been previously supplied to the members.

A large number of amendments were proposed by Messrs Jai Narain Vyas, Inder Nath Modi and Nand Kishore in respect of the Rules. All the amendments were either withdrawn or lost when put to vote and the Rules were passed with the exception of the following amendment moved by Mr. Jai Narain Vyas in respect of Rule 20 (2).

“In case, the member of the Government raises a new point in his speech, the mover will have a right of reply to it”.

The amendment was accepted by the Secretary, Central Advisory Board on behalf of the Government.

Mr. Kishen Puri proposed on behalf of the Government that the Rule 14 might be amended to provide a period of 30 days instead of 21 days and 15 days instead of 7 days. He also proposed that the Rule 15 be amended as follows:—

“When a motion is only of the nature of an amendment to another motion, the President may allow it to be moved provided that notice of such amendment is given 10 days before the meeting”.

Both the amendments were passed by the house.

After the consideration of the Rules, the house adjourned for the next day.

Mr. Radha Mohan's proposal regarding Restraint of Child Marriages brought forward from the first session.

Further discussion on the proposal of Mr. Radha Mohan as amended by Mr. Jai Narain Vyas was initiated by Khan Sahib T. G. Dalal, Political Secretary, who said that the Legal Remembrancer had prepared the Draft Marwar Child Marriage Restraint Act on the lines of the British Indian Child Marriage Restraint Act and that the same was now open for discussion.

He read out the relevant sections of the Draft Marwar Child & Ill-matched Marriages Prevention Act 1939 for the information of the house.

In pursuance of the wishes of the house expressed in the first session, the proposal of Mr. Radha Mohan was referred to the District Advisory Boards and the Municipalities for eliciting public opinion. The opinions of the Municipal Boards and most of the District Advisory Boards had been received. The Municipal Boards at Jodhpur, Jaswantpura and Siwana expressed their views in favour of the proposal, though they did not make any suggestion with regard to the age limit of the pair and the communities to which the Act should apply. The Municipal Boards at Phalodi, Didwana and Barmer were also in favour of the proposal but they had made definite suggestions regarding the ages for girls and boys, namely (12-16), (11-16), (14-18) respectively. The proposal was not approved by the Municipal Boards at Pali, Balotra, Nagaur and Ladnu. However the dissentient members of the Municipal Boards at Pali and Balotra, who were in favour of the proposal had suggested that the marriageable ages for girls and boys respectively may be fixed at (11-15) and (12-16). The Jalore Municipal Board approved the proposal subject to the amendment that ages for girls and boys for marital relationship in the communities where widow marriage was not allowed and for "*gauna*" (consummation) in the communities where widow marriage was permissible, should be fixed at 13 for the girl and 18 for the boy.

With regard to the views of the District Advisory Boards, he pointed out that the District Advisory Boards at Pali, Nagaur, Pachpadra and Siwana had unanimously approved of the proposal of Mr. Radha Mohan. The Nagaur District Advisory Board, however, desired that the Government should enlighten the views of the masses by spreading education for a period of at least five years and then introduce the proposed Act so that it might become acceptable. The District Advisory Boards at Didwana, Phalodi, Barmer and Merta were also agreeable to the principle underlying the proposal and suggested that the marriageable ages for girls and boys as (11-15), (12-16), (14-18) and (12-16) respectively.

The opinion of the District Advisory Boards at Parbatsar, Sheo, Sojat and Sambhar was that the proposed legislation should be made applicable to those communities only in which there was no custom of widow marriage and the marriageable ages for girls and boys fixed at 13 and 18 respectively. In regard to the communities in which widow marriage was prevalent, the Parbatsar and Sheo Advisory Boards recommended that ages for girls and boys be fixed at 13 and 18 respectively for '*Gauna*' (consummation) as against 13 and 17 suggested by the Sojat Advisory Board. The Sambhar Advisory Board also limited

the scope of the proposed Act to those communities only where widow marriage was not prevalent and recommended exemption from its operation for those communities where widow marriage was permissible. Further it suggested that two years time be given before the Law was introduced so that people might not be taken unawares. The Jodhpur District Advisory Board, expressed its views in favour of the proposal. It suggested that in communities where widow marriage was not prevalent, the marriageable ages for girls and boys be fixed at 12 and 16 and in communities where widow marriage was allowed the same ages be considered as ages for 'Gauna'. Replies were still awaited from the District Advisory Boards of Jaitaran, Desuri, Bilara and Bali.

Views of certain public institutions on the proposal in question had also been received. Some 26 public institutions were in favour of the proposal while those against the proposal were about 6 only, viz. (1) Pushkarna Brahman Maha Mandal, Jodhpur (2) Panches, Pushkarna community, Jodhpur (3) Public meeting at Pali (4) Anjuman Islamia, Jodhpur (5) Meeting of Musalmans of Pali (6) Shrimali Brahman deputation to the Minister for Justice and Reforms. The names of those public institutions who were in favour of the proposal were (1) Hindu Sabha, Nagaur (2) Jat Boarding House, Jodhpur, (3) Pali All-India Jain Swetambar Conference (4) Maheshwari Navayuvak Mandal, Pali (5) Arya Samaj, Pali (6) Arya Samaj, Nagaur (7) Sojat District Vaidya Conference (8) Jodhpur Navayuvak Mandal (9) Joshi Pushkarna Sabha (10) Shri Pushtikar Navayuvak Mandal, Jodhpur (11) Shri Pushtikar Navayuvak Mandal, Karachi (12) Shri Pushkarna Yuvak Samaj, Phalodi (13) Jain Friends' Club, Phalodi (14) Seva Sangh Pali (15) Arya Samaj, Sursagar, Jodhpur (16) Arya Samaj, Barmer (17) Marwar Vidyarthi Sangh, Jodhpur (18) Mohalla Khagal Public Meeting (19) Gundi Mohalla Public Meeting (20) Nai Brahman Mandal, Nagaur (21) Teachers' Association Nagaur (22) Arya Samaj, Sardarpura, Jodhpur (23) Hindu Sabha, Pokaran (24) Shri Navayuvak Mandal, Jaitaran (25) Marwar Lok Parishad, Sojat Branch (26) Oswal Hitkarni Sabha, Ladnu.

The amendment moved by Mr. Jai Narain Vyas to stop ill-matched marriages, was also referred to the various Municipalities for eliciting public opinion. All the Municipal Boards favoured the prevention of ill-matched marriages of males above 40 to 45 years with girls of tender ages. The District Advisory Board at Phalodi had also passed a resolution recommending that marriage of a male above 45 with a girl of tender age should be prohibited

The opinion of the majority of the public institutions was thus in favour of the proposal, though they differed with regard to the age limits (which ranged between 11 and 14 for girls and 16 and 18 for boys) and the scope of the operation of the proposed legislation. The age limits proposed in the Draft bill were 14 for girls and 18 for boys, the same as those in British India.

Speaking on the question of ill-matched marriages, Khan Sahib Dalal referred the house to the following provision in the Draft Act:—

"Whoever, being a male contracts a marriage with a girl more than 20 years younger than himself shall be punishable with simple imprisonment which may extend to one month or fine which may extend to Rs. 1,000/- or both."

He said that the prevention of marriages of men of advanced age with very young girls was one of equally vital importance. Amongst the high caste Hindus, widow marriage was not allowed. It often happened that men of 40, 50 or 60 years ages married girls of 10 to 15 years of age by offering heavy sums of money to the girl's parents. The result was that the poor girls had soon after to adopt life-long widowhood in communities where no widow marriages were permitted. In India, unless the State introduced social reform through legislation, grave hardships and privations for young girls would continue for ever. There existed a genuine demand for this reform among the people. Girls even above 14 years of age in Marwar could not be left to take care of themselves in regard to matrimony for they had not got the requisite power for understanding. In cent percent cases the question of marriage of girls even above the age of 14 rested with their parents entirely, and, if out of consideration of money etc. ill-advised parents decided to give away their daughter in marriage to an old man, the girl had to submit meekly to the wishes of her parents. It would take years yet for Marwari girls to select husbands of their choice. It was of paramount importance therefore that something was done to stop ill-matched marriages by legislation.

Dr. Niranjana Nath Gurtu spoke against the proposal. He said that the law laid down by Manu in his Manu Smriti was alright, that whatever little freedom was left with the Indians in the matter of matrimony should not be taken away by passing laws of this nature. In his opinion early marriage was not necessarily a cause of weak progeny. Some of the issues of child marriage were the greatest man of the world, namely, Mahatma Gandhi, Dr. R. N. Tagore etc. He considered that the proposed law would result in hardship to the illiterate masses.

Khan Rehmatulla Khanji opposed the proposal on the ground that Muslim law and religion already provided against early marriages. He therefore claimed exemption for the Musalmans from the operation of the proposed legislation.

Mr. Abbas Ali Churigar endorsed the remarks of Khan Rehmatulla Khanji.

Mr. Raghunath Mal Rai said that the proposal had no doubt been approved by certain District Advisory Boards and public institutions and disapproved by others but 80% of the people did not know what was happening in the District Advisory Boards. Without ascertaining their opinion, it would not be just to impose this legislation upon them. It was easy to introduce the law but great difficulties would be experienced by the people in its working. In British India also, several cases were instituted under the Act and poor people were being put to great trouble. The law itself was being transgressed. In Marwar also, in the past legislation was introduced to stop Mausars (dinners after death). Fines were imposed on the law breakers but to no avail. The people bore the fines as additional expenditure for the sake of 'Mausar'. Ultimately the Government had to cancel the Law. Before introducing such legislation, the Government should give thorough consideration to public opinion. He therefore suggested that five prominent men from every community and caste should be called and their opinion should be taken.

Mr. Jai Narain Vyas felt gratified that the majority of the people were in favour of the proposal and very few opposed to it. As for the opposition of the "Pushkarna Panches," he said that he was not aware of such an institution, though he was himself a Pushkarna Brahmin. The Panches of Pushkarna assembled only when there were community dinners or the Raj Vyasji called them. Whatever award was given by them could not be regarded as award of all the Panches of the Pushkarnas. Such an award by handful of persons could not be considered an award by all the Panches of the Pushkarna community. Nor could they be called Panches of the Pushkarna community according to the custom of their community and according to common sense. Another institution was the Pushkarna Brahman Mahamandal. This institution sprang into existence when it had to oppose the visit of a Pushkarna student proceedings to England for higher studies. The Shrimalis had also opposed the proposal. The main argument put forward by the opposite section was that the State did not interfere so far in their social affairs and therefore the proposed legislation should not be pressed. He disagreed with that view and considered that the State had interfered in the past with the affairs of the Pushkarna community. Even the Sarpanch of the Pushkarnas was appointed by the State. The State regulated in the past the expenses incurred by the Pushkarnas in their social functions viz. marriages (vide 'Rajasthan' dated 8-3-1884). The practice of using dancing girls as a part of the 'Chhikis' procession was disallowed by the State. This would show that the State interfered in the social customs and conventions of the Pushkarna community.

Replying to the argument of Dr Niranjan Nath, he said that the Laws propounded by Manu did not hold good now. The Sarda Act was operating even in Kashi and Pryag—the celebrated seats of our civilisation. The issues of child marriages who turned to be great men were themselves against child marriages.

Mutha Summer Chandji supported the proposal and said that the proposed legislation was absolutely necessary. In the absence of such legislation, men of 50 to 60 years managed to marry girls aged 8 to 10 years. Such girls often became widows in the full bloom of their life and passed the rest of their days in utter misery.

Rai Sahib Tan Sukh Vyas supporting the proposal said that child marriage was a sin and was prohibited in Ayurvedic books. The proposed legislation was absolutely necessary. As for the age limit of the pair, especially the girl, limit of 14 years was high. As the people began to understand the benefits of the legislation, the age limit could be gradually raised. In Marwar there were certain communities in which early marriages took place but "*Gauna*" took place when the marrying couple attained puberty. For such communities, *Gauna* should be deemed marriage for the purposes of the Act. He hoped that the Government would consider the representations received from various public bodies in connection with lowering the age limit of the girls.

The penalty of Rs. 1,000/- proposed in the Draft Act was excessive. Such punishment should be provided as can be borne by the ordinary people.

Mr. Gulab Chand, speaking in favour of the proposal said that formerly there was no need for such legislation because the caste organisations and Panchayats were strong and convention prevented social evils. In modern times, Panchayats had weakened and the caste rules had been relaxed. Social legislation was thus very necessary to stop ill-matched marriages. The issues of such ill-matched pairs remain very weak and unfit all their life and prove a burden on society.

Thakur Devi Singhji, supporting the proposal said that the evils of child and ill-matched marriages were self evident and it was necessary to put a stop to such marriages by law. As for those communities in which widow marriage was allowed, they should be exempted from the operation of the proposed Act but some age limit should be prescribed for "*Gauna*".

Mr. Sukhdeo Charan, supporting the proposal said that undoubtedly such a legislation was necessary to put a stop to early and ill-matched marriages but the same should not be made applicable at present. The opinion of all the communities should be taken first so that it may not become necessary to retrace the steps they were taking. In his opinion the Government should first stop social customs such as giving of feasts on the occasion of marriages and deaths as that caused much wasteful expenditure. The proposed legislation should be taken afterwards. People in Marwar married their daughters together in order to effect economy in the customary expenditure. They were not able to defray expenses of marriages of their girls individually. In communities where widow marriage was allowed, marriage at early age might be allowed but age limit should be laid down for "*Gauna*".

Thakur Durjan Singhji of Daspan, supporting the proposal said that with the Hindus the matter was a religious one. For Rajputs and Charans, such restrictions existed since Samvat 1942 and the same would do. For those communities in which widow marriage was allowed, such a law was not necessary. In that case, age limits for '*Gauna*' should be laid down. The age for marriages and the rules for conduct of life had been prescribed in the Vedas but people were not observing the religious instructions and legislation was necessary. Special care should be taken for the character of school students. Advanced age marriages should also be stopped by law. The fine of Rs. 1,000/- prescribed in the Draft Act was very high.

Mr. Prem Sharan Sinha said that in view of the conflicting opinions expressed in the house, it was difficult to convince the members that the proposed Act would be in the best interests of the public. Commenting on the Speeches of the members opposed to this Legislation, he said that Dr. Niranjana Nath had given a Medico-Religious opinion on the subject. The Doctor was an orthodox Sanatanist and so was the speaker, but the latter did not subscribe to the views of the Doctor that no age limit was fixed by the Shastras. Further, the speaker said that neither the Hindu mythology nor the ancient Hindu History conform to the views of the Doctor. Mr. Sinha referred to the marriages of Sita and Draupadi, and asked if they were young minor girls when they were married. The speaker, in his speech, emphasised

that child marriages did not exist in olden times, and asked if the Doctor's assertion that child marriage did not cause mental or physical deterioration, was correct. Referring to Mr. Jai Narain Vyas' quotation from the "Rajasthan" of 1884, which said that the Government had interfered in the performance of marriages, the speaker said that the articles in the newspaper in question was of doubtful authenticity, as it was not a Government communique. Two or three speakers had laid emphasis on the fact that the fine of Rs.1000/- prescribed in the Draft Act was heavy. A reference to the Draft Act would show that a maximum fine of Rs. 1000/- or imprisonment or both was provided. It did not mean a fixed fine of Rs.1,000/-. In such offences a deterrent punishment should be given. In the British Indian Act exemplary and deterrent punishment had been provided. It had been suggested that a sub-committee may be formed to examine the Draft Marwar Child and Ill-matched Marriages Act. In his opinion it would be better if the matter were referred to different communities through their Panches. The proposed sub-committee consisting of the members of the house, would not represent all the communities of Marwar and it was no use forming a sub-committee.

Mr. Kishen Puri said that there was considerable difference of opinion over the proposal. Telegrams, letters and representations had been received from various institutions both for and against the proposal. Only two days back some leading members (Panches of the Pushkarna and Shrimali communities) waited in a deputation on the Minister for Justice and Reforms and prayed that this legislation should not be passed. Some other institutions were also against the proposal. In these circumstances, it seemed advisable that the matter be considered further. The suggestion that the question be referred to the leading Panches of every community was in his opinion very reasonable. It was necessary to ascertain public opinion before this important legislation affecting the social life of the people was passed. They had waited for so many years and a few months delay would not make matters worse. He therefore wished the proposal to be referred to the Panches of the leading communities.

Replying on behalf of the Government, Khan Sahib T. G. Dalal said that though the Government was in favour of the proposal, a section of the Pushkarna and Shrimali communities and certain other institutions were against it and therefore the Government would refer the matter to the Panches of the leading communities and then if necessary appoint a Select Committee or Sub-Committee as had been suggested.

Mr. Radha Mohan, the mover, replying to the debate said that in the first session when he put forward the proposal he did not give any details of the Act to be framed. It appeared from Khan Sahib T. G. Dalal's speech that the majority of public opinion was in favour of the proposal.

The persons speaking against the proposal might be divided into three classes:—

(1) Those who said that such a legislation should not be introduced as it was against their religion.

(2) Those who said that such a legislation should certainly be passed but after 5 or 6 years.

(3) Those who said that such a legislation might be introduced but the communities and castes in which widow marriage was permissible should be exempted from it.

In British India when Mr. Sarda brought his proposal for restraint of Child Marriages, the Musalmans said that it offended against the tenets of their religion. But certain Musalman leaders and others refuted that allegation. They opined that the subjects of British India were all alike whether Hindus, Musalmans, Christians or Parsis. The Muslim boys and girls were entitled to the same protection by the law as their equals of other persuasions. The argument of the Musalmans that the legislation was against the religion was wrong. The Mohammedan Law provided that if any person other than the father gave his daughter in marriage at an early age, she could on attaining puberty divorce her husband and perform another marriage.

Some people said that the Shastras laid down that a girl should be married before attaining puberty. He also relied on the Shastras according to which it could be proved that boys were to be married at the age of 25 years and girls at the age of 18. The marriages of Draupadi and Sita were not performed when they were of tender age. "Shushrat" enjoined them to observe celibacy upto the age of 25. Mahatama Gandhi, Dr. R. N. Tagore and Pandit Madan Mohan Malviya and other distinguished leaders were in favour of fixing the marriageable ages for boys and girls at 18 and 14 respectively

As for the suggestion to refer the proposal to the Panches, he said that opinion should be taken of those people who understood the subject, that is, those who were literate and who were capable of giving some opinion. The members of the Board came in contact with all the castes and communities and were aware of the customs of the people. Their opinion should carry weight with the Government. He was therefore not prepared to accept the Government's suggestion to make further reference to the Panches. The arguments that were being advanced against the proposal were the same as those advanced by some people in British India when the law on this subject was introduced there. As for age limits the house might keep as it thought fit. Instead of 14, the age limit for girls might be 12 or 13. It did not matter to him. He only wanted that the principle underlying the proposal should be accepted. He therefore requested that the proposal be put to vote. Accordingly votes were taken. 13 votes were received in favour of the proposal and 4 against it. The proposal was thus passed by the house.

Proposal No. 1.

(PROPOSED BY MR. RAGHUNATH MAL RAI)

“The present system of education is unsuited to the needs of the agriculturists. In spite of its having been in force for the last 50 years, it has done them no good. An altogether different system of education is required for the agricultural classes. This Board, therefore, recommends to the Government to introduce a simple, cheap, short and easy system of education for the agriculturists so that it may prove helpful in removing mass illiteracy, and lead to the improvement of agriculture and make their lives happy and prosperous.”

This was considered along with proposal No. 13. —

Proposal No. 2.

(PROPOSED BY RAI SAHIB TANSUKH VYAS.)

"The indigenous Ayurvedic system of medicine has amply demonstrated its profound utility and inherent possibilities of extensive development. It is based on a logical and scientific basis and can provide efficient medical relief to the teeming millions of this country, specially in rural areas, with considerable convenience, promptitude and economy, as proved by the elaborate investigations and thorough enquiries made in this connection by the various British Indian Provinces and Indian States. It is thus very necessary that persons practising this system of medicine should be effectively brought under control to save innocent people from the vagaries of quacks. This Board, therefore, recommends to the Government to establish Medical Boards similar to those functioning in British India to encourage the Ayurvedic system by adopting the following measures: -

1. Facilities should be provided for the study of Ayurvedic system of medicine.
2. Scholarships should be granted to students for training in the Ayurvedic system.
3. Rules should be framed for the registration of Vaidyas.
4. A Central Ayurvedic Hospital should be opened in Jodhpur.
5. Ayurvedic dispensaries should be organised in the villages.
6. Charitable Ayurvedic dispensaries should be given grants-in-aid by the State."

Tracing the development of Ayurvedic System of Medicine in India, Rai Sahib Tan Sukh Vyas, referred to the steps which had been taken by the various provincial governments and some of the Indian States to re-habilitate the system. In the United Provinces the Government had recently established 200 Ayurvedic dispensaries. The Government of Bombay had passed a Medical Practitioners Act and were taking steps for registration of Vaidis and Hakeems. The Government of Bengal, Bihar and Madras had established Ayurvedic schools and colleges and were awarding scholarships to encourage the study of the Ayurveda. Indian States like Mysore, Travancore Cochin, Gwalior, Indore, Baroda, Jaipur and Bikaner had also established Ayurvedic hospitals and dispensaries.

The Jodhpur Government had done much to extend medical relief in the State and its fine hospitals and dispensaries could hardly be surpassed by similar institutions of other States. It was stated in the State Administration Report of 1935-36 that Rs. 5,06,338/- were spent on the Medical Department. The Government had already spent more than 40 lacs on the construction of buildings for hospitals and dispensaries. The expenditure on the construction and the maintenance of these institutions was thus very heavy. A Commission of Enquiry appointed by the Madras Government held that the cost of treating a patient in Ayurvedic dispensaries came to

about 8 pies as compared to an amount varying between 3 annas to 6 annas in the Allopathic hospitals. For instance the treatment of a patient suffering from Typhoid fever by the Ayurvedic system would cost about Rs. 15/- as against Rs. 60/- by the Allopathic system.

It is said that the Principal Medical Officer has proposed a new scheme of establishing medical outposts in Marwar in order to carry medical relief to the villages. These will be run by senior compounders and their maintenance would involve an expenditure of about, Rs. 1,200/- per annum. If in place of these medical outposts Government were to introduce Ayurvedic dispensaries they would cost much less and bring greater relief to the people. Unfortunately the people did not realise the importance of the Ayurvedic system of medicine. In order to show the merits of the system, he quoted the remarks of a number of eminent European medical men, a few of which are reproduced below:—

1. The late Sir Pardey Lukis, a former Director-General of I. M. S., said in one of his public utterances "Many of the empirical methods of treatment adopted by Vaid and Hakeems are of the greatest value x x x x x Personally if I were ill, I say frankly that I would prefer to be treated by a good Vaid or Hakeem rather than a bad doctor".

2. Col. Maclarin, I. M. S. in an address delivered by him to the Vaid and Hakeems of Allahabad said:—

"I know that you can diagnose all the diseases and that your treatment of chronic complaints is remarkable".

3. Sir Havelock Charles at one time Surgeon-General of Bengal said in a speech at Calcutta:—

"I am only repeating to you what the Aryan medical science preached two thousand years ago and am reproducing to you a small fragment of the lesson taught by Charak".

4. Lord Hardinge in a speech on the occasion of the opening ceremony of the Tibbia College, Delhi, said:—

"When I remember how many millions in India are beyond reach of medical aid provided by government and how many of these who have means of access to consult best doctors still prefer to be treated in accordance with the indigenous systems of medicine, I come to the conclusion that it shall be wrong to discourage the scheme which aims at improvement and development of this Eastern branch of medicine".

In the face of such high praise given to the Ayurvedic system by eminent medical authorities, it is clear that those who abuse it are ignorant of its merits. Much of the decline suffered by this system is due to the indifference shown towards it by the Government. Even here in Marwar charitable-minded Seths give princely donations for the establishment of Allopathic hospitals and dispensaries because they hope to secure thereby honours and privileges from the State

If the Government patronised the Ayurvedic system, there was every hope that in the near future the generous Seths would also give financial assistance for the establishment of the Ayurvedic dispensaries and hospitals.

Even now in Marwar there were a number of charitable Ayurvedic dispensaries. The most notable was the one maintained by Seth Magni Ramji Bangar of Didwana. Dr. Hayward, the Principal Medical Officer, after inspecting this institution observed in his note—

“Large number of patients come here in preference to the State dispensary”.

Sir Donald Field, the worthy Chief Minister, recorded his opinion in the following words:—

“It is evident that here as in many places in Rajputana, Ayurvedic system has its own votaries and would seem to be deserving therefore of some support from the Government”.

Diwan Bahadur Thakur Madho Singhji, Home Minister wrote:—

“It is, however, a clear proof, if such be needed, that the Ayurvedic system of treatment can more than hold its own against any other system”.

He therefore appealed to the Government to patronise and encourage the Ayurvedic system as it was very cheap, the drugs were easily available and suited to the climatic conditions of the country and the vast majority of the people in Marwar had faith in it. By establishing the Ayurvedic dispensaries and hospitals, the Government would do immense good to the people and enhance its own strength and reputation. The people of Marwar had signified their whole-hearted support to the proposal as would appear from a number of telegrams and representations sent by various public bodies to the Government. He had every hope that the Government would give due consideration to the wishes of the people.

Speaking on behalf of the Government, Mr. Kishen Puri, Secretary, Home Departments, said that the Government recognised the merits of the Ayurvedic system of medicine. It was prepared to consider the question of granting scholarships and regularising the practice of indigenous system of medicine by the registration of Vaid and Hakeems. As regards establishment of Ayurvedic hospitals and dispensaries, the Government would study the proposal for some time as it involved further expenditure. He also assured the house that the question of establishing an Ayurvedic College in Jodhpur would be considered by the Government on a future suitable occasion. He referred to the grants-in-aid which were given to a number of Vaid and Hakeems and assured the house that cases of deserving practitioners would be sympathetically considered in the future as well.

The proposal was passed by the house. 23 non-official members voted in its favour.

Proposal No 3.

(PROPOSED BY MR. JAI NARAIN VYAS)

"In view of the fact that the press and newspaper industries are adversely affected by the Marwar Press Act of 1923, which is detrimental to the mass education as well, the Central Advisory Board urges upon the Government of Jodhpur to amend it in such a way that:—

- (a) There may not arise any difficulty for persons in opening presses and starting newspapers and any one declaring himself as the keeper of a press or the publisher of a paper should be allowed to have a press or paper.
- (b) Matters relating to State politics be allowed to be published in newspapers, leaflets, books, etc. published in Marwar without any previous permission.
- (c) Cyclostyle may not be considered as press.
- (d) Publications printed in Marwar be allowed to be exchanged with things published outside Marwar.

The Board is further of the opinion that no special favour should be shown towards any particular press or publisher by the State."

In moving the above proposal Mr. Jai Narain Vyas said that the press was amongst the most powerful forces in the world today. It moulded and influenced the ideas of the world. It helped both the ruler and the ruled. Apart from its political power, the press was a great industry in itself. It was therefore the duty of all Governments to give the greatest measure of freedom to the press. He wanted to make it clear at the very outset that he wanted freedom for the publication of books and newspapers. He did not want a license for the publication of undesirable things. The Marwar Press Act of 1923 contained certain provisions which put difficulties in the way of both, press owners and journalists. He wanted to draw the Government's attention not so much to the political aspect as to the industrial side of the press. He was afraid that the Government had not so far viewed the industrial aspect of the press. He wanted to quote the words of Henry Wickham Steed, Editor of the London Times to prove the importance of press as an industry. In one of his speeches Mr. Steed said:—

"Now a days the press is the centre of a large number of co-ordinated industrial undertakings which are not exclusively controlled by men who look upon the production of newspapers as involving a moral stewardship for the public. Taken together with the production of periodicals the "newspaper industry" gives more employment than either brick-making or brewing and nearly as much as the spinning and weaving industries. In 1935 it ranked, as an employer of labour above the heavy industries of ship-building and the smelting and rolling of iron and steel. In London, Manchester, or Glasgow, it is now one of the most important of all industries and so rapidly has it expanded that

the number of people employed in it increased by more than 40 per cent *i. e.* to say from 56,488 to 79,458. These figures are independent of the paper making or news-print industry and of the one lac or more persons employed in distributing newspapers or in canvassing for subscribers."

In Marwar it was very difficult to start a newspaper owing to the severe restrictions imposed by the Press Act. According to Sec. 6 of the Act matters relating to State politics could not be printed or published. It was true that no one could be allowed to publish matters calculated to tamper with the loyalty of the army or excite religious animosities. The Government could bring to book such offenders by the application of other laws. He looked with contempt at persons who wanted to excite disaffection against the Government or tamper with the loyalty of the army and he was strongly opposed to any subversive activity but the term "matters relating to State politics" in Sec. 6 caused the greatest difficulty. People did not get any opportunity to express even their own feelings as regards administrative matters. The result was that they had to approach outside papers which published things even without any enquiry. On many occasions unwarranted charges were made in the Indian press against this State.

Clause (d) of Section 2 declaring cyclostyle as a printing press was equally objectionable. A number of Government departments and even private schools were using cyclostyle without even obtaining previous permission. If Government departments and private schools used cyclostyle without obtaining permission then why the public was treated in a different manner. This means that the aforesaid Section of the Press Act was operative only against the public. It will be kind of the Government if this restriction was removed.

Another Section which was very troublesome was Section 9 which laid down that books and newspapers published in Marwar could not be exchanged with outside publications. He had occasion to see the book on the Marwar Police written by Mr. Kishen Puri. It was very curious that according to Section 9, Mr. Puri could not send his book to an outside publisher and exchange it with a book published by the latter. It was certainly not a good rule. He would draw the Government's attention to Sec. 10 which read as follows:—

"Every proprietor of a press or publisher in Marwar who imports any proscribed foreign publication into Marwar territory in exchange with his publication, shall on conviction before a competent Magistrate, be punished with fine not exceeding fifty rupees."

According to the above section a publisher was liable to punishment if he got proscribed books or newspapers but not otherwise. If Section 9 did not exist it would be easy for the people to exchange books and newspapers because no punishment had been provided for such an act in Section 10. He had occasion to draw the attention of the Government to that difficulty many years ago but considerations of prestige perhaps came in its way and nothing had been done so far. He now referred to clause (a) of his proposal which read as follows:—

"There may not arise any difficulty for persons in opening presses and starting newspapers and any one declaring himself as the keeper of a press or the publisher of a paper should be allowed to have a press or paper."

He had deliberately worded his demand in that manner as he was aware that apparently there was nothing in the Press Act to prevent any person in asking for permission and the same being granted by the Government. But the fact of the matter was that such permission was not being given. He did not want to make a complaint of it. He only wanted to apprise the Government of the public feeling in the matter. He knew a number of cases where persons applied for permission but were refused. Permission for papers like 'Yog' 'Sant' and 'Kshatriya' was not given. These papers had nothing to do with politics even then the permission was refused. He was a journalist and he knew the facts about those papers. In 1933 the Government was approached for permission to start the paper "Kshatriya" by a very big person who now sat as a member of the house. He referred to the Thakur Sahib of Bhadrajun. The Government's reply to the Thakur Sahib was that there existed three papers in Marwar namely, 'Bhudev' and 'Dadhimati',— two monthly organs and the 'Marwar Gazette', a weekly paper. The Government considered the three papers sufficient for the needs of Marwar and hence did not allow the 'Kshatriya' to be started. Permission was asked to open a press at Marwar Pali but it was not given. Such a policy discouraged the growth of the press industry and he appealed to the Government to give it up. This State seemed to have realised the value of the newspapers as early as 1867 when the Marwar Gazette was started. In those days political news and articles used to appear in the Marwar Gazette and even some editorials were written, reviewing the policy of the Indian National Congress. The following quotation from the Marwar Administration Report issued in 1885 by, late Maharaja Sir Partap Singhji Sahib indicated the Government's policy in those days:—

"A powerful organ for educating the public opinion is the Marwar Gazette started 18 years ago i. e. 1867 about the same time as the Darbar High School as a small Hindi newspaper and it has gradually developed in size and importance."

In 1886, Maharaja Sir Partap Singhji Sahib again observed as below:—

"The Marwar Gazette has gone on improving. Its success has encouraged the Darbar to issue in English and Hindi and it will in future not only contain all public orders and Government resolutions, but will be a journal for dissemination of general news, politics, literature, art, science, agriculture, commerce and industry".

What a large scope was allowed to the paper in those days? It was not necessary for him to make further comments in the matter. He was sure that if Maharaja Sir Partap Singhji was sitting in the house to-day, he would have felt very happy and thanked him for advocating the policy initiated by him.

The present Press Act had been formed at a time when the Non-cooperation movement was giving much trouble in British India. The Press Act was introduced then to check the repercussions of the movement in Marwar. Things had changed since 1923 and now the day of co-operation had begun. No justification therefore existed for this Act. He fully realised how difficult it was for the Government to repeal the Act all at once. He only wanted the Government kindly to extend the facilities to newspapers for discussing matters relating to State politics. Some time back Pt. Jawahir Lal Nehru observed that in one

of the big Indian States, there existed an Act for the registration of typewriters. He was hinting at the Jodhpur State. His Highness' Government had very kindly repealed the Typewriters Registration Act. It would certainly bring good name to the Government if cyclostyle was similarly not considered press. His main object in pressing the proposal was to serve the interests, both of the Government and the public.

Turning to the newspapers, Mr. Jai Narain Vyas said that nearly a thousand outside papers were being received daily in Jodhpur. The Government officials were subscribing two or three papers for keeping in touch with the public opinion. How good it would be if they had some organ to know the local opinion as well? What for had the Advisory Boards been established? The Government wanted to know the public opinion through those bodies. Even His Highness' gracious message which had been read out by the Hon'ble the President indicated that His Highness wanted to know the public opinion. Let the house convey its opinion to the Government, that such restrictions on the press as sullied the fair name of the Government had better be removed at once. It was absolutely necessary for the progress of the State that the press industry received its due encouragement which, however, was only possible if the Press Act was amended.

Some of the Indian States complained of being blackmailed by the press. The complaint was to some extent true. The States themselves were responsible for much of the calumny that appeared in outside press against them. When the States' subjects found no local papers to voice their grievances, they approached the outside Press and the latter published things without caring to enquire as to their truth or otherwise. A responsible local press would never behave in that manner. A local newspaper, if it wanted to survive would think hundred times and make thorough enquiries before publishing matters relating to the State administration. The State would thus be saved from many false and exaggerated charges that were being brought against it in the outside Press. At the same time local newspapers would tender sincere advice to the Government and faithfully represent the public view point. He therefore earnestly beseeched the Government to liberalise its policy and amend the Press Act in the light of the suggestions made by him. It should not over-look the industrial aspect of the press which would give a living to some of its subjects.

Coming to the concluding part of his proposal Mr. Jai Narain Vyas said that he did not mean that the Government should give no help at all to any newspapers. If the Government was inclined to help a particular paper he would not feel aggrieved of it. Even the London Times used to receive £ 300/- from the British Government in its early days. Let the Government also favour any local or outside newspaper but let it not frown on those who gave out their independent views. Let the Government also maintain necessary restrictions to prevent tampering with the loyalty of the army or exciting of religious animosities etc. He had not asked for the removal of such restrictions. He made very ordinary demands, the chief of which was the permission to discuss matters relating to State politics. He hoped that he would not be misunderstood. He wanted to illustrate his point by referring to a recent happening in England. It was announced in the papers that His Majesty's Government offered £.2,000/- per annum to Major Atlee, the Opposition Leader, to give up all other activities

and devote himself only to criticism of the Government's action. If the Government of England was prepared to invite criticism on payment of £2,000/- to the Opposition, the Government of Jodhpur should not feel embarrassed in hearing the public criticisms that would be offered through a free Press. He hoped that the house would give full support to his proposal.

Khan Sahib T. G. Dalal speaking on behalf of the Government said, "The proposal moved by Mr. Jai Narain Vyas regarding the amendment of the Marwar Press Act 1923 has been generally considered by the Government. The Government have an open mind on the subject, and they would be prepared to consider the motion carefully. Before, however, they give their opinion in the matter, they would like to hear the views of the members of the house on the subject. The Government, therefore, refrain from expressing their opinion at the present moment and leave it to the house to give its vote on each amendment proposed."

Mr. Inder Nath said, "I rise to support the motion put forth before this house by my Hon'ble friend Mr. Vyas for the liberalisation of Press in the State. Before I go to the subject matter, I wish to make one request and it is this that it would be a great leniency, if along with proposals which are in accordance with certain rules or legislative measures, we could be supplied with the relevant copies of the Act or Rules that might come up incidentally. I think this is a very lenient demand that I put forward for the Government to consider. If this is not possible, I think the other suggestion would be to have a library for this house and those of us who would like to refer to relative papers corresponding to the subject matter may go to the library and papers concerned might be made available there. I have no desire to repeat what the mover has already said. He has said sufficiently, I think, on the industrial aspect and liberalisation of the Press. In order to complete the picture, Sir, what I should like to say for the consideration of the house in my own way is the educative value of the Press. In fact every Government now-a-days considers its duty to be guided by what it considers to be public opinion in any matter of great importance. The other day, only yesterday, I had the privilege of moving the resolution on the subject of education in this house. I think, Sir, one of the things, I suggested, for the removal of illiteracy was the establishment of village libraries and circulation of papers. We could do a lot with the help of Press in this direction. Source of everything lives in the brain, and a man without a brain cannot do anything in this world. He is not at all capable of making any progress in the world. What is true for the individual, I think, is far more true of the State because the responsibility that falls on the shoulders of the Government in any State is far greater. We, in the Advisory Board, are expected to convey to the Government the views on many matters of the economic life of the subjects, but Sir, we are very few here and I do not think our voice is of much use so long as it cannot be conveyed to the masses. So that the policy which the Government has followed in the establishment of this Board would greatly develop if along with this progressive step, the State favours the erection of presses. With these words I take my seat."

Mr. Summer Chandji, speaking in favour of the proposal, said that it was desirable that permission should be given to anyone desirous of opening a press. The necessary restrictions should, however, be kept. It was through

the press that new ideas reached the masses. State politics should not be discussed in such a way as to cast any reflections on His Highness or the Royal family. Similarly matters calculated to excite ill-feelings between the various communities should not be allowed to be discussed in the newspapers. Cyclostyle should not be considered press.

Mr. Zalim Chand, supporting the motion, said that the press could be compared to an efficient college in so far as it disseminates knowledge of all sorts through papers without imposing any financial liability on the Government. It could not be said whether the scanty information regarding Marwar affairs, which appeared occasionally in the outside press, was always correct. If publication of newspapers were to be allowed in Marwar, people would learn many things. The newspapers would also do the work of the C. I. D. without any extra expense to the Government. The information given by the C. I. D. might be wrong but the newspapers would publish the correct news.

If the local paper published any false news, its Editor and Publisher could be taken to task. The Press Act was promulgated in 1923 when the people did not realise their responsibility as much as they do now. The existing restrictions should therefore be relaxed now. The Government should allow any one desirous of opening press to do so at his own risk.

Mr. Chatur Bhuj, supporting the motion, said that by means of press the public could be educated. Whatever progress, scientific, economic or moral, is taking place here or elsewhere can be known to us by spending a pice or two on a newspaper. If the opening of presses were to be allowed, several unemployed persons would get employment. The educated unemployed youths would also get the jobs of compositors, proof-readers, etc.

Mr. Sukhdeo Charan, said that it would not be improper if he were to call the press a friend of the State. A true friend is he who points out his friend's virtues as well as vices and gives him sincere and true advice. Freedom of speech was a sign of the progressive spirit of the Government. Press offers true advice to the public as to the course which should be adopted in public affairs. Therefore the freedom of establishing presses and publishing newspapers should be granted as early as possible.

Dr. Niranjan Nath Gurtoo said, "Sir the press is a double-edged sword. If it is wholesome it gives us the right type of education and correct information. The establishment of press will be useful to His Highness' subjects in spreading education amongst the people and in creating friendliness between the various classes of His Highness' subjects."

Mr. Gulab Chand supporting the motion said that the prosperity of trade or business depended on demand. Press is a great industry in which thousands of people could find employment and thereby earn their bread. But if there was no demand for the products of the press industry, it would then fail. There can be demand for the press industry only when the stringent restrictions put on the press by the Government were liberalised. The press industry would flourish, if there would be great demand for books and newspapers rather than of notices and pamphlets. Therefore in order to create such demand,

restrictions with regard to printing of books and newspapers and establishing presses should be removed. He hoped that the Government would encourage the press industry and liberalise the Press Act.

Mr. P.S. Sinha said, "Sir, before the matter is put to vote, I would like to say a few words in connection with this proposal. My senior colleague, the Political Secretary, has already expressed to this house the view point of the Government, and he has said that the Government has an open mind on the subject. There is only one point, Sir, on which I would beg Mr. Jai Narain to give further elucidation of the first part of his proposal No. 3 which is under discussion at present. I think Mr. Vyas' intention is that this proposal is subject to the rules that may be enforced from time to time. The Rules may be as proposed by this house or otherwise. But I think the intention of Mr. Vyas is that there may not arise any difficulty to open a Press or maintain it subject to such rules as may be in force from time to time."

After Mr. Jai Narain's reply in which he confirmed what Mr. Sinha pointed out, the motion was put to vote. 21 votes were recorded in favour of the proposal. The Government benches remained neutral. No vote was given against the motion.

Proposal No. 4

(PROPOSED BY THAKUR DURJAN SINGHJI)

"The rural population of Marwar depend for their livelihood on agriculture and cattle-breeding. Famine is common in Marwar and cattle-breeding often remains the only source of livelihood. As the money-lenders are used to getting the female animals of the cultivators attached and sold at low price in the execution of their decrees, it has become difficult for the villagers to keep good live-stock and the productive capacity of the country is thus gradually decreasing. This Board, therefore, recommends to the Government to adopt measures legislative or otherwise to stop the attachment of female animals by the courts in the execution of decrees."

In moving the above proposal Thakur Devi Singhji said that the rural population of Marwar had to depend for their livelihood on agriculture and cattle-breeding, the latter being the only means of livelihood in times of famine. As the money-lenders got the female animals of the cultivators attached and sold at low price in execution of their decrees, it had become difficult for the villagers to keep good live-stock and the productive capacity of the country was therefore gradually decreasing. He therefore requested the Government to adopt measures legislative or otherwise to stop the attachment of female animals by the courts in execution of decrees. He further said that unless that was done, it was difficult to improve the economic condition of the villagers, because due to the scarcity of rain, agriculture generally did not prosper. Famine had become a common occurrence in Marwar.

Proceeding further, he explained that cattle-breeding was also largely responsible for the improvement of physical and economical conditions of the people. The aim of His Highness' Government in establishing the Animal Husbandry Department was to improve the live-stock. Approved bulls were being kept in all the Parganas, but the purpose of the Animal Husbandry Department would be fully served if good female animals were available. Due to the attachment and sale of female animals in execution of decrees, the villagers did not feel inclined in keeping animals of good breed. For the well-being of the people, the Central and the District Advisory Boards had been established but the real progress would only be made if people got bread to eat. The general health and vitality of the Marwaris had gone down very much during the past few years. The deterioration in the health was due to the insufficient supply of milk and butter. It had become impossible for some to get bread even.

He further assured the house that the real well-being of the agriculturists consisted in the stoppage of the sale of female animals in execution of decrees. He dwelt at length on the good pedigree of horses, camels cows, buffaloes, she-goats, etc. These were once abundant in Marwar and on account of these the country was in a very prosperous condition.

When the agriculturists would be happy, both the Government and creditors would be benefitted. The progress of a country like Marwar greatly depended on improvement of live-stock. He then quoted the words of the Viceroy which appeared in the Hindustan Times dated 23rd July 1934 under the caption "India on the world's cattle map."

Mr. Jai Narain then moved an amendment to the proposal. He said that for the word "rural population" the word "agriculturists" should be substituted and before the word 'by the courts' occurring in the last line the word 'agriculturists' might be added. The term 'villager' was very wide. Jagirdar, Chhutbhai, Bhomia and even a contractor, trader or a retired clerk who might be living in a village could come within the definition of the term 'villager'. Those who had other means of their livelihood except agriculture, were generally acquainted with the law and knew how to safeguard their interests. It was not necessary to extend such protection to them. He considered that the aim of the proposal was to protect the interests of the agriculturists only. If his amendment was not adopted, he was afraid many others would take advantage of the law with the result that they would keep large number of female animals and evade payment of their debts by the help of the law. He felt that the proposal was not as innocent as it appeared on the face of it. The agriculturists were the proper persons to whom such protection should be given. He would also like the interests of the creditors to be protected. The agriculturists would not be able to maintain themselves throughout the year without the help of the Bohras.

Mr. Gulab Chand supported the amendment of Mr. Jai Narain Vyas.

Speaking on behalf of the Government Mr. Rashid Khan said that the Government was alive to the fact that cultivation and cattle-breeding were the only means of livelihood for the agriculturists of Marwar and further that on the protection of that class, the prosperity of a country like Marwar depended. It was for this reason that steps had been taken early in 1924 to stop the export of animals from Marwar. He admitted that the economic condition of the agriculturists was adversely affected by the attachment and sale of female animals in the execution of decrees, but the Government had to protect the interests of the 'bohras' as well. He assured the house that the Government would consider the proposal sympathetically in the light of the views expressed by the members on the subject and take steps legislative or otherwise to stop the sale of female animals of the agriculturists in the execution of decrees.

The house was satisfied by the assurance given by the Government and hence the mover did not desire votes to be taken.

Proposal No. 5.

(Proposed by Mr. Jai Narain Vyas.)

“Due to the location of Fedusar stone quarries, Sursagar has lately become an important suburb. Some 5000 labourers work in the quarries and motor lorries carrying building materials ply day and night on the roads. This Board, therefore, recommends to the Government that the following facilities should be provided to the inhabitants of Sursagar:—

1. The road leading from Akheyrajji-ka-Talao to Fedusar should be widened so as to avoid accidents.
2. Water pipes should be fixed in sufficient number near the Fedusar piaoo so as to provide drinking water to the labourers and inhabitants of Sursagar.
3. Electric lights may be installed from the Fedusar to Vidyasal and if funds permit, lights may also be provided upto Masuria Road.
4. A branch dispensary may be opened in Sursagar so as to provide medical relief to the labourers and inhabitants residing there and in the adjoining mohallas.
5. A primary school should be opened in Sursagar or provision may be made for a grant-in-aid to the existing Sainik Kshatriya Pathshala.”

In moving the above proposal Mr. Jai Narain Vyas referred to the importance of the Sursagar stone quarries and explained the hardship and difficulties experienced by the large population of labourers residing there on account of want of good supply of drinking water, roads and lighting arrangements. He also stressed the need for establishing a primary school and branch dispensary there.

Mr. Bhopal Chand Lodha, Secretary, Public Works Department said that the Government was aware of the fact that the population of Sursagar had recently increased very much. Certain facilities had already been provided.

In regard to item No. 1 he pointed out that it had been decided last year to widen and surface paint the road from Masuria to Sursagar. A portion of the road from Masuria to Akheraj-ji-ka-talao had already been widened and surface painted. Provision to complete the remaining portion of the road upto Sursagar would be made in the next year's budget.

In regard to item No. 2, he stated that temporary arrangements had already been made for adequate supply of water by working the Sursagar well at Government expense and conveying the water through a pipe line upto Kalu Ramji's piaoo. Taps and troughs had been installed at various points.

As regards item No. 3 he said that in order to provide electricity in the Sursagar area sanction had already been accorded for construction and equipment of a sub-station and providing High Tension Line thereto. The work was in hand.

As for item No. 4 he informed the house that the Government was alive to the necessity of providing medical aid and a general scheme of expansion of medical relief in the districts was under consideration of the Government. All new schemes had, however, been withheld owing to the financial stringency. The Government would give sympathetic consideration to the demand.

As regards item No. 5, the Secretary to the Minister-In-Waiting informed the house that an application by the inhabitants of Sursagar for the establishment of a primary school had been received and was under the consideration of the Director of Education.

Mr. Jai Narain said that he was satisfied with the answers given on behalf of the Government.

Proposal No. 6.

(PROPOSED BY MR. JAI NARAIN VYAS.)

"The Central Advisory Board recommends that the following measures may kindly be adopted to improve the lot of the villagers of the State.

1. Education.

(a) In addition to increasing the number of schools in villages, specially in Jagir villages, which are very backward, the Customs Thanedars of different Customs stations or Hawaldars, where there is no Customs Thanedar, be asked to conduct night classes and be given an allowance of Re. 1/- for each student educated by him. The student so trained should be able to read and write Hindi and to add and to subtract figures upto hundred and the allowance should be sanctioned on a certificate being issued by the Deputy Inspector of the Education Department that the Thanedar or Hawaldar had given the required education to his student or students.

(b) Special schools be opened for educating the depressed classes and the communities known as the criminal tribes.

(c) Propaganda be carried out among the College and High School students, who should be asked to give at least two weeks in summer vacation to spread literacy in rural areas, especially for carrying on an anti-thumb impression campaign and those volunteering their services for the purpose be allotted areas and allowed travelling expenses and food and lodging by the State.

(d) Activities such as staging dramas, holding exhibitions, organising *Bhajan Mandalies*, running libraries and study circles, forming volunteer corps to work in fairs etc., and conducting village tournament, should be encouraged by giving medals and prizes to teachers, Customs thanedars and others who take particular interest in such activities.

2. Medical.

(a) Medical chests containing patent medicines, specially Hindustani medicines, be supplied to school teachers, Hawaldars and Customs thanedars of the places where medical aid is not available. A Hindi chart showing the use of medicines should also be supplied with the chests and those getting these chests should be asked to submit to the Secretary of this Board and the Principal Medical Officer a statement of the medicines supplied and the persons treated by him.

3. Propaganda.

(a) Some expert lecturers should be engaged by the Education, Medical, Public Health and Animal Husbandry Departments to make propaganda for rural uplift.

(b) Educational films should be got prepared by the Education Department and exhibited in Marwar villages and instructive gramophone songs be recorded by the same department and sold at cheap prices.

(c) The Police be circularized not to discourage lectures of public workers.

(d) Hakims and other big officers be asked to accept invitations to preside over social functions organised for giving mass education to people in the rural areas.

4. *Economical.*

(a) The Government should, by appointing a Central Marketing Board, check seasonal depression in prices at the harvest times and control the markets in the interest of cultivators.

(b) The Government should enact laws to prevent unlawful exploitation of the agriculturists by 'Bohras' and provide severe punishment for those who take advantage of the illiteracy of the peasants and make false entries in their books to increase the amount of debts. Provision should also be made in such cases for redemption of debts in deserving cases.

(c) Moratorium should be declared in 'khalsa' and 'jagir' villages and parganas where owing to failure or lack of rains or excessive rains, the crops fail and the amount of land taxes be reduced in accordance with the capacity of the agriculturists to pay.

(d) Relief measures should be adopted both in 'khalsa' and 'jagir' areas when the people suffer from economic loss due to wrath of nature or failure of crops.

(e) Co-operative farming should be encouraged and where possible co-operative farming colonies should be started.

5. *Legal.*

(a) Notices, statements and orders should be written in Hindustani only so that agriculturists may not have any difficulty in knowing their contents.

(b) Hakumats should be ordered not to postpone cases of the farmers from time to time but should expedite them.

(c) Anybody proved guilty of molesting the farmers should be severely dealt with."

This was an omnibus proposal and Mr. Jai Narain said that he did not wish to inflict a speech on the house as the various items of the proposal were self-explanatory and he would be glad only to know what the Government had to say with regard to each of them except No. 1 which had already been bracketted with proposal Nos. 13, 15, 16, 17 relating to educational matters.

The Government members then took up such of the items which concerned them.

With regard to item No. 2, Dr. Sarronwala, Deputy Director of Public Health said that the Government had already supplied medicines to schools to be used for ordinary ailments, such as sore-eyes, diarrhoea, head-ache etc. Registers had also been supplied to the teachers to keep record of the treatments given. The Principal Medical Officer undertook operating tours in the rural areas. The Government was trying to distribute as much medicine as was possible but

the activities of the Medical Department had been hampered by the famine. As regards the supply of medicines to Hawaldars and Customs Thanedars of the places, he pointed out that the villagers hesitate in taking medicines from this class of officials. In almost all schools, arrangements had been made for the supply of medicines to the villagers who also took advantage of the facility.

With regard to the propaganda work for rural uplift, Dr. Sarronwala said that propaganda work had already been started by the Government by holding demonstrations, lectures, magic lantern shows in villages and thousands of rupees had been spent on this work. The officials of the Public Health Department made regular tours for 10 days in a month in their respective circles and taught the villagers to observe cleanliness. As far as possible attempts were made to supply them medicine at their own places and arrangements were being made to send serious cases to the nearest dispensary.

In regard to the educational films Dr. Sarronwala said that these had been prepared in Hindi by the Red Cross Society and were exhibited in the villages. Thousands of villagers rushed to see such films.

With regard to instructive gramophone songs, Dr. Sarronwala pointed out that arrangements were being made to compose instructive songs in Hindi and get them recorded for use on the gramophones. He assured the house that the Government would continue to pay increasing attention towards this important work.

Speaking on behalf of the Government in reply to item No. 4 (Economical) of the proposal, Mr. Niranjana Swaroop said that it was difficult to regulate the prices of commodities, but even then attempts had been made by the Government to solve the problem.

The Government had established a Central Marketing Board to check seasonal depression in prices at the time of the harvest and control the markets in the interest of cultivators. Due to prevalence of famine for the last three years, this Board had not been able to do much.

In order to improve the lot of the peasantry there was a scheme of forming grain Marketing Society which would stock grains and other commodities and sell them when they could fetch good price. These were the means by which more money could be made to go into the pockets of the cultivators. He further assured the house that the Government would endeavour to give effect to the proposal.

As regards parts (a) & (c) of item No. 4 Mr. Niranjana Swaroop said that these would be fully considered along with the proposal Nos. 20, 21 and 22 which related to agricultural indebtedness. He assured the house that it was the policy of the Government to put a check on the excessive interest charged by the Bohras. A Draft Marwar Relief of Indebtedness Act had been prepared for this purpose. It was divided in two parts, one relating to the Co-operative Societies and the other to Debt Conciliation Boards. It would be shortly published in the Government Gazette. It contained provisions whereby courts had been empowered to disallow excessive interest. In the second place a Debt Conciliation Board would be established, which would greatly benefit the cultivators as well as the Bohras.

Replying on behalf of the Government to part (a) & (b) of item No. 5 of the proposal Mr. Srivastav, Secretary to the Minister for Justice and Reforms said that instructions had been already issued to all Hakims that they should expedite the disposal of pending cases and the inspecting officers took care to see that the cases were being decided without delay. Action is taken against Hakims who are slack in the disposal of their Judicial work.

As regards part (c) of item No. 3 Khan Sahib T. G. Dalal said that no instructions had been issued by the Government to the Police to discourage lectures of public workers. The Police did not interfere with the activities of public workers. If there had been any such interference the attention of the Police department would be drawn in the matter.

As for part (a) of item No. 5, he informed the house that notices, statements and orders were issued in Hindustani and in case they were published in English, their Hindi translation was also published.

With regard to part (b), he said that the Hakims and other big officers accepted and would continue to accept in future invitations to preside over social functions organised for the welfare of the people in the rural areas.

With regard to part (c) of item No. 5 of the proposal he said that severe action was taken against those who were found guilty of molesting the cultivators. There was no necessity to issue any circular about it.

Mr. Jai Narain thanked the Government benches for giving a patient hearing to his demands and the assurance that these would be sympathetically considered. He agreed to some of the items being considered along with more comprehensive proposals of the same nature.

He also thanked Dr. Sarronwala and Mr. Niranjana Swaroop for giving him much useful information of the work the Government had already done and was doing with regard to some of the items of his proposal.

Proposal No. 7

(PROPOSED BY RAI SAHIB TAN SUKH VYAS.)

“As the bulk of population of Marwar is uneducated and ignorant of the principles of sanitation, this Board recommends to the Government to allot some money for rural sanitation and for educative propaganda in that direction.”

In connection with the above Rai Sahib Tan Sukh Vyas informed the house that after sending the proposal to the Secretary, Central Advisory Board he had approached the Government to allow him facilities for the study of sanitary conditions in the villages of Marwar. The Government had very kindly issued instructions to the Hakims to give him necessary facilities and he would shortly go out on a study tour. He naturally preferred to bring forward the proposal after completing the study tour.

The President then ordered that the proposal might be taken up in the next session of the Board.

Proposal No. 8

(PROPOSED BY MR. JAI NARAIN VYAS.)

"Guinea worm is very prevalent in some of the districts of Marwar and as no effective cure has yet been discovered for it, its victims undergo much suffering. This Board therefore recommends to the Government to appoint a Committee of experts to enquire into the causes of this disease and make suggestions for its eradication. The Committee's recommendations may be widely promulgated and the medicines which may be prescribed, may be distributed in the villages of Marwar through the Medical and other State departments."

Mr. Jai Narain said that guinea worm was prevalent in the villages of Marwar. It was not necessary to emphasise how troublesome the disease was. It appeared in any part of the body. He saw a man suffering from it in several parts of his body. He did not know anything about its origin. He was sure that Dr. Sarronwala would throw some light on it. He had simply heard that dirty water was the main cause of this disease. He was, therefore, of the opinion that a committee consisting of expert medical men might be appointed and due consideration should be given to its recommendations so that the evil might be stamped out of Marwar. It would be a happy day for Marwar if the people could be saved from the trouble caused by this disease. He had heard that Dr. Pursotam Lal had found a cure for this disease and many had been benefitted by his treatment. This disease was very dangerous. In conclusion he again requested the Government to do everything possible to eradicate this disease.

Seth Gulab Chand in seconding the proposal said that so far it was believed that foul water, especially the water of tanks was the root cause of this disease. It was very surprising that even in the present year of draught this disease was prevalent in Marwar.

Thakur Durjan Singhji said that he welcomed the proposal of Mr. Jai Narain. It was very essential to discover some efficacious treatment of guinea worm. It would be better if all the doctors and vaidiyas be requested to send their respective remedies for the disease to the Government and experiments should be made to find out which of them proved the most efficacious. The medicine might be distributed in the villages by the Government. For the present the book which he presented and which contained 34 treatments of Guinea worm, might prove helpful, if the Government could distribute copies of the book to the Hawaldars and teachers. The treatment given in the book would not require any further help from the doctors and vaidiyas.

Speaking on behalf of the Government, Dr. Sarronwala said that guinea worm was a disease which had defeated the greatest brains of medicine. It could, however, be prevented if the water supply was a safe one and the people used filtered water. It was an admitted fact that this disease was often caused by foul water. The foul water was not necessarily the only

cause of it but bad habits also played a large part. If a man suffering from guinea worm were to enter the tank or pond, the puss which came out of the abscess, mixed with the water and was eaten by a water insect known as "cyclops" which lived in the water and the man who drank that water without the commonest filtration in which the cyclops lived, fell victim to the disease. If a man took sufficient care to use clean water, he would not get this disease. But it was regrettable to note that people were not accustomed to use clean water, and that was why they had to suffer. As for its treatment, he could safely say that so far no medicine had been discovered for this disease, but if any victims came to the doctors they could take out the whole worm. If the worm was drawn out partly by the patient or quacks, puss formation took place and caused very great pain. He once went to the village of Chapri near Merta Road where 200 people were suffering from guinea worm. He advised them to get themselves injected but they seemed very much frightened and did not agree to be injected. After much persuasion 5 of them agreed to be injected, and then the others also followed. The District Health Officer in Hissar had been distributing some Indian ointment for the relief of this disease and he would send for it. If the medicine proved efficacious, he would order for 2000 tins for distribution in villages. He further said that if any Vaidiya or Hakeem was prepared to send him any efficacious medicine for it, he would gladly make use of it. Lectures were being given in villages on the prevention of this disease and the people were asked to use filtered water especially in those regions where well or tank water was being used. A man would rarely fall victim to this disease if filtered water was used. There was no necessity to appoint a committee for this purpose. How guinea worm was caused was a well-known fact. Volumes had been written on the subject.

Dr. Niranjana Nath said that Dr. Sarronwala had explained the cause and effect of the guinea worm but one thing which ought to be remembered was that a person who had been suffering from this disease should not go into the water of the well or tank. That would prevent the spread of the disease.

Summing up the debate, Mr. Jai Narain Vyas thanked Dr. Sarronwala and Dr. Niranjana Nath for the valuable information given by them on the subject. He said that he was only a layman. He proposed a committee of experts to examine the matter thoroughly. In certain villages there were wells and tanks and people made use of their water but guinea worm was unknown there whereas in other parts it was prevalent. Thus nothing definite could be said about its causes and cure. In conclusion, he said that by appointing a committee he did not mean a committee of foreign experts, but such of the local experts as were available. What he meant was that the Government should arrange to find out some efficacious medicine for this disease and have it distributed among villagers. It did not matter whether the committee was appointed or not.

Proposal No. 9

(PROPOSED BY MR. JAI NARAIN VYAS.)

"Geologists believe that currents of water flow under the surface of the sandy alluvial soil, ranging from the Himalayas to the South. In Marwar also there are deep wells at several places in which the water supply is perennial. This affords a clue to the subterranean water currents in Marwar. A survey of Marwar may be carried out by some expert to locate the region where such water currents exist and tube wells may then be dug there to supply water both for agricultural and drinking purposes, as great hardship is experienced here every year on account of scarcity of water.

2. In order to supply water to the villages, it is very essential that every drop of rain water should be collected and not allowed to flow. To this end, wherever catchment areas exist, tanks may be constructed to supply water for daily needs of the people and for cattle. Such tanks will in addition to removing the water scarcity help in keeping the water level high in the wells.

3. In places having big catchment areas, 'Bunds' may be constructed so as to collect rain water, which may be used for irrigation purposes. Similarly weirs may also be constructed in between small rivers and streams so that water may not flow away at once but may last for some time.

4. Water scarcity being the main cause of the poor economic condition of the agriculturists, this Board requests the Government to issue orders for spending sufficient sums of money annually with a view to give effect to the aforesaid suggestions."

Proposal No. 10.

(PROPOSED BY MR. CHATUR BHUJ GEHLOT).

"In order to remove water scarcity in Marwar, this Board recommends to the Government that a water survey of the whole country may be made to ascertain and localise the water-plenty spots and to develop their potentialities for proper utilisation on a ten year plan.

In order to facilitate and encourage the present watering and irrigation arrangements, the following steps may be taken:—

- (1) The existing wells may be repaired or improved.
 - (2) New wells may be sunk.
 - (3) New bunds specially on higher levels may be constructed."
-

Proposal No. 11

(PROPOSED BY RAI SAHIB TANSUKH VYAS)

"It is not an uncommon sight in Marwar to see number of men and cattle suffering from immense hardship owing to the lack of water-supply. This Board therefore recommends to the Government to adopt the following measures:—

1. To examine the scheme of water supply as suited to the conditions in the various parts of the State.
2. To locate spots for digging wells and conducting boring operations in the State and for which purpose the services of an expert water diviner may be obtained, if necessary.
3. To find out places for constructing canals and tanks to preserve water for the needy areas."

Proposal No. 12

(PROPOSED BY MR. RADHA KISHEN MIRDHA.)

"This Board recommends to the Government to construct water reservoirs of lime and cement locally known as 'Tanka' (houz) not only in Khalsa villages but in Jagir villages also, where, either on account of sand, no tanks, 'Nadis' and wells can be sunk or even if they can be, they do not hold water for long or the water in them is brackish."

Proposal No. 9, 10, 11. and 12.

All the above four proposals related to the problem of water supply in Marwar and were therefore considered together. Proposal No. 9 standing in the name of Mr. Jai Narain Vyas being of a comprehensive nature was allowed to be moved first.

Mr. Jai Narain Vyas dwelt at length on the very great hardship which men and cattle experienced in some parts of Marwar owing to scarcity of water generally and particularly in the years when the rains failed. Mr. Gulab Chand had informed him that in the Pachpadra District a tin of water could be had for 3 pice. Motor lorries were engaged for carrying water but even then the people could not get sufficient water, not to speak of the cattle. Permanent solution of the problem of supply of water in Marwar was thus very necessary. He tried to consult the people as to the means by which the problem could be solved. He also took the opinion of some experts on the subject. He knew that the Government had investigated the possibility of digging tube wells in Marwar by appointing an Expert Committee presided over by Sir William Stampe. He did not, however, know the findings given by the Committee. He also referred the matter to certain experts for instance, the Hon'ble Mr. Noori, Minister-In-Charge, Public Works Department, Bombay Government, and Mr. Skelton, a retired Superintending Engineer of this Government.

The Hon'ble Mr. Noori opined that the problem of scarcity of water in Marwar could be solved by digging tube wells. He, however, was not a specialist on the subject. The tube wells dug in the United Provinces under the supervision of Sir William Stampe cost Rs. 5,000/- to Rs. 7,000/-. In view of the dire need of water in Marwar, an amount of Rs. 5,000/- to Rs. 7,000/- per well was not much. Marwar would be happy and prosperous only, if wells with a capacity to supply 20 thousand gallons of water per hour could be dug. That alone would not solve the question of supply of water for agricultural purposes but it would be a great thing if water were made available for drinking purposes. The tube wells dug in the Bombay Presidency and Ahmedabad at the cost of Rs. 7,000/- each were working quite satisfactorily.

Mr. Skelton, who had served the Jodhpur P. W. D. for years was of the opinion that in Marwar underground water currents were flowing. In the year 1894-1895, he went to Jaisalmer where he dug a well. In the earlier stages of the digging operations, water did not appear. On going very deep they found abundant supply of water. He was, therefore, of the opinion that underground water existed in Marwar but it was at a great depth. If any water diviner could point out where such wells could be dug, the problem of supply of water would to some extent be solved. In the city of Bikaner, the 'Chautina' well supplied water to the whole city throughout the year.

Coming to the question whether subterranean water currents existed in Marwar or not, Mr. Jai Narain Vyas asserted that the history of Marwar bore testimony to the fact that in very old days rivers rising from the Himalayas used to pass through Marwar on their seaward course. By natural causes, the sea turned into the desert. The level of the land became uneven and the rivers perhaps began to flow underground. It was difficult to say where those rivers were flowing now. But nothing was difficult on this earth. If it could be found in which part of Marwar those subterranean water streams existed, Marwar would be a very happy and prosperous land.

There was ample water in the 'Chautina' well of Bikaner and water experts believed that it was fed by subterranean water currents. In Marwar also, it was noticed that water of one well was sweet while that of another was brackish. Now one was led to think why waters of different qualities were found below the same soil. This proved that below the surface of sweet water wells, sweet water streams existed. In Bilara there existed certain wells with plentiful water in them. The people of Bilara said that if a small 'Batki' (metal cup) was to be thrown in one well, it could be found flowing in another neighbouring well. If this was true, it could be said that a common subterranean water stream was feeding all those wells. Then in Bilara there was the 'Banganga'. The water might be springing up from the hidden 'Banganga' river. All these things might not be true as they had not been verified by water experts.

In the Runn of Cutch and the adjoining parts of Marwar, rainfall was scanty but it was found on digging the wells that subterranean water currents existed and water in the wells was abundant. The subterranean water currents might be, in his opinion, coming from the Himalayas, via, certain parts of Marwar and Runn of Cutch and they might then be falling into the sea.

The Government should therefore try to ascertain the course of such underground streams and then take up the work of digging wells in that area so that the problem of water scarcity might be solved for ever.

Further Mr. Vyas laid stress on the point that not a single drop of rain water should be allowed to be wasted. In Ajmer-Merwara four bunds had been constructed on the river Moundri so that its water might not flow towards Marwar (Raipur and Sendra). In Marwar also the rain water should not be allowed to flow towards the Runn of Cutch. It was true that the Government was already doing much in that direction. He knew that many difficulties would come in the way of the Government as the khalsa land was only 18% and that with the Jagirdars was 82%.

There were also very few tanks in Marwar. But the Government should first take up the work of digging wells. Some wells and 'baories' had been closed, for instance, in Mandore. These the Public Works Department should kindly re-open as they could supply water to the public. He was not an expert but he was submitting before the house the opinion of the experts which was to the effect that there were subterranean water streams in Marwar. He was confident that the Government would surely make further investigations.

Muhta Sumer Chandji supporting the motion said that the Government should utilise private charity in the work of digging wells and tanks.

Mr. Bhopal Chand, Secretary, Public Works Department said that the Government had been giving special attention to the problem of water supply in Marwar since long. It was alive to the hardship experienced by the people on account of shortage of water. He assured the house that the Government would not spare money or efforts to ensure permanent and dependable supply of water for Marwar. His Highness' Government had very recently appointed a committee, consisting of Sir William Stampe, as President, Dr. Heron, the Director of Geological Survey of India, Dr. Mackenzie Taylor, Director of the Punjab Irrigation Research Bureau (Lahore) and Mr. S. G. Edgar, P. W. Minister, Jodhpur, as members to investigate the question of flow of water in the alluvium from the Himalayas to the South. The committee had carefully investigated the matters referred to by Mr. Jai Narain Vyas. Though the Committee's report had not yet been published, it might be stated that due to existence of range of hills running partly above ground and partly below ground from Delhi to Sangla Hills (Punjab), there was not the slightest possibility of any hidden river flowing underground and coming from the Himalayas. Further more from the north of Marwar, the rock slope falls to the north and any water in the subsoil in Marwar would flow north out of Marwar rather than south into it, and that there was unfortunately not the slightest possibility of installation of tube wells, climatic and other conditions being contrary to these. The Government also requested Mr. Skelton, to whom a reference was made by Mr. Jai Narain Vyas to give his opinion which he very kindly sent. It was considered by the committee of experts. He could not say whether Mr. Skelton's opinion was the same as referred to by Mr. Jai Narain Vyas in his speech. He explained that in the United Provinces 1500 tube wells could be opened in a line because the Himalayas was on the one side and on the other there was, parallel to the Himalayas, an underground mountain range from Delhi to Calcutta. The water coming

from the Himalayas got stored in between these two lines of mountains. It was on account of this reason that the scheme of tube wells succeeded in that part of the United Provinces. In the United Provinces alluvium extended over 1100 ft. Whereas in Marwar it covered only 5 to 7 feet. It was also on account of the large extent of alluvium that the scheme of tubewells had succeeded there.

As far as possible the Government here would do its utmost to alleviate the distress caused by the scarcity of water. It had already spent 5½ lacs of rupees on water works in needy areas and would spend more in the future as well.

The Government had constructed 'Bunds' and was examining the question of constructing more 'Bunds' on the rivers. It would give its attention to the Bilara wells referred to by Mr. Jai Naram Vyas. Wherever water would be had or there would be possibility to get water, the Government would do its utmost to explore the area.

Mr. Gulab Chand said that in certain cases good wells had been dug by boring operations. The Government should therefore try boring experiments. He referred to his discussion on the subject of water supply in Pachpadra with one Mr. Gokhale, who was a member of the Salt Commission appointed by the Government of India. Mr. Gokhale was of the opinion that on account of impurities, the water underneath the outer surface of land was saltish but on going deep, sweet water could be found. Wherever there was saltish water, boring operations should be conducted to find out the beds of sweet water. In Sambhar and Pachpadra districts also, there were sweet water wells at certain places. This proved that underground water currents existed in Marwar.

Thakur Durjan Singhji said that so far as his experience went, boring operations would certainly succeed and water would be available in Marwar if a serious attempt was made to dig deep wells.

Rai Sahib Tan Sukh Vyas said that he was grieved to learn from the Government that there was no underground water in Marwar. But that did not mean that the people of Marwar would remain without water. Somehow means must be found to solve the difficulty. He quoted the Marwarī proverb "*Ghokhat Vidiya Khodat Pani*" which stressed the need for more and more digging. This proverb was the result of rich experience of their ancestors. He referred to Ajmer-Merwara which was contiguous with Marwar. Similar scarcity of water existed there. In Beawar, boring was done and water could be had at a depth of 56 to 200 ft. Now how could he believe that no underground water currents existed in Marwar. In Marwar also there were certain wells in which water was scanty. There were others in which the supply was abundant. This indicated that there was ample water flowing underground in Marwar. Exploration was all that was needed. In Beawar they called a water diviner of Ajmer, who pointed out several places where water could be found. In the Laxmi Mills, a well was dug at the place selected by him and plenty of water was found there. The mill which was intending to stop work owing to scarcity of water now gave employment to thousands of workmen and was flourishing. The water diviner referred to by him was a missionary

of Ajmer and he was willing to render help any where if his services were requisitioned. The Beawar Municipality owned a boring machine and digging of wells was being undertaken to remove water scarcity. The problem could not be solved by adding more bunds and tanks. If the monsoons failed for 2 or 3 years continuously all such bunds and tanks would then dry up. Some permanent arrangement to ensure an adequate supply of water in Marwar was thus most essential. The difficulty of water supply could be removed permanently by digging wells with the help of boring machines. He was sure that if the Government gave earnest consideration to the suggestion, it would greatly help matters.

Mr. Chatur Bhuji, speaking in favour of the proposal said that there was ample evidence to show that underground water streams flowed in Marwar. History also bore testimony to his assertion. Since ages, reliance had always been placed on the rain water which collected underneath the earth as the water stored in tanks or bund was liable to evaporation and other losses very soon. If a regular and sustained water survey and research was made, subterranean water would be found at the following places:—

1. Parts near upper course of Luni river.
2. Parts between Thanwala and Jaswant Samand.
3. Parts between Jaitaran and Bali (especially near about rivers of Raipur, Saran, Sojat, Nana, Khemel, Bhimalia, Rani, Nadol, Sadri and Chanod.)
4. Parts near 'Banganga' (Bilara)
5. Middle portion of Javai river (from Jalore to Sumerpur)
6. Jaswantpura-Chitrod Badgaon valley.
7. Kabavati (from Siana to Ramseen)
8. Parts near the middle course of Luni river *i. e.*, between Luni Junction and Tilwara.
9. Parts of Sanchoe near about the Runn of Cutch.
10. Parts lying near the banks of the river Lilri.
11. Parts near the lake lying between Sambhar, Kuchaman, Nava and Maroth.

In view of the assurance given by the Government that the proposals would be sympathetically considered, the movers did not press for voting.

Proposal No. 13.

(PROPOSED BY MR. INDER NATH MODI.)

"The Central Advisory Board is of opinion that Primary and Secondary education in this State be so remodelled as to bear greater approximation to the needs and realities of life and give the much-needed vocational bias to them so that the recipients of such education be better fitted for the battle of life.

This Board therefore strongly recommends that a Committee consisting of the following gentlemen be appointed to investigate the question and submit a report on it during the next session of the Board:—

1. Director of Education.
2. Head Inspector of Schools.
3. Muhta Sumer Chandji.
4. Shah Gordhan Lalji.
5. Mover."

Proposal No. 14.

(PROPOSED BY MUHTA SUMER CHANDJI).

"This House, while appreciating the efforts that have been made for the extension of educational facilities in the State during the benevolent reign of the present Ruler, invites the attention of His Highness' Government to the great leeway that still remains to be made up in the matter, and wishes to record its opinion that the time has arrived when the Government should launch a vigorous campaign against illiteracy in the State. This House accordingly advises His Highness' Government to take immediate steps for the introduction of the following measures, in the first instance: -

- (1) (a) Introduction of compulsory primary education in the city and suburbs of Jodhpur
- (b) Opening of night-schools for adults in the city and suburbs of Jodhpur.
- (2) Opening of primary schools in all villages whose population is 1000 or over.

This House further advises His Highness' Government to appoint a Committee of expert educationists—both official and non-official—to thoroughly go into the matter and work out the necessary details."

Proposal No. 15.

(PROPOSED BY MR. SUKHDEO CHARAN.)

"This Board recommends to the benevolent Government to introduce in Marwar compulsory primary and secondary education on the basis of the world-reputed and highly useful Wardha Scheme of education, which has also won the appreciation of the Indian Government, so that it might do real good to the country and Marwar may not face acute unemployment.

A committee consisting of an educational expert, some official and non-official members and the mover may be appointed to give effect to this resolution."

Proposal No. 16.

(PROPOSED BY MR. INDER NATH MODI)

"The Central Advisory Board recommends that Government should take prompt and effective steps to remove adult illiteracy, which is at present appalling, from the State within a period of 10 years at the maximum.

To this end, the Board strongly recommends that the Government do adopt among others the following measures:—

1. Where there are schools, night schools may be started in addition.
2. Where there are no schools, temporary schools may be set up to prepare a nucleus of literary people there.
3. Senior students from High Schools and Colleges may be sent out during summer vacation to be put in charge of some of the schools.
4. A suitable honorarium of Rs. 2/- (plus travelling expenses—where necessary) be given to each teacher for every literate man he produces.
5. In order to prevent people from relapsing into illiteracy, village libraries and reading rooms be established."

Proposal No. 17.

(PROPOSED BY RAI SAHIB TAN SUKH VYAS).

"This Board recommends to the Government that the 'Poshals' (old type of village schools) may be allowed to continue as they have their own advantages and will render very useful service in fighting illiteracy."

Proposals Nos. 1, 5 (5), 6(1), 13, 14, 15, 16 & 17.

The above proposals related to educational matters and as Nos. 13 and 16 standing in the name of Mr. Inder Nath Modi were of a comprehensive nature, they were considered first of all as suggested by Mr. R. P. Srivastav, Secretary to the Minister-In-Waiting.

Mr. Inder Nath Modi traced the history of education in India from the time of the East India Company, which introduced it to create a big army of clerks. It paid no attention to the problem of education. The result of that policy was that great unemployment prevailed now and no Government could absorb all its educated youngmen. The dignity of manual labour was not realised and two different classes had come into being, the educated and the non-educated. If better and changed methods of education were adopted, it would be possible for the Government to ward off the disaster. A number of celebrated British statesmen, administrators and judges had expressed themselves against the present system of education. Lord Hailey, one time Governor of the United Provinces, plainly admitted that the policy of education in India was wrong. He said that the East India Company began it at a wrong end. The Hon'ble Mr. Young, Chief Justice of the Punjab, while opening a school of physical education, said that he was glad to open the school of physical education and not one to impart the old system of education.

He had not collected the figures of literacy in Marwar but it was not more than 4 to 5%. All sorts of allegations were being made against money-lenders, capitalists, lawyers, doctors and the privileged classes. It was no good making such charges. The trouble did not lie with the lawyers, money-lenders and doctors but it lay with the masses themselves. He hoped that the Government would give a very sympathetic consideration to his proposal.

Mr. R. P. Srivastav speaking on behalf of the Government, said that educational science was in an experimental stage and that it did not deal with Statutes or Acts but with living material—the children of the country. There could be no finality in educational methods as long as mankind went on progressing. So far as the Jodhpur Government was concerned, it was doing its level best for the education of the rising generation of Marwar. In 1926 the Education budget was 4 lacs and in 1939 it rose to 10 lacs. There was not a single village in *Khalsa* area where a primary school did not exist. The Government was willing to appoint a committee of five members as proposed by Mr. Inder Nath Modi but so far as the official members were concerned the Government would make its own nomination and on the non-official side he suggested the inclusion of Mr. Jai Narain Vyas, both because of his sacrifices and his intellectual activity and enthusiasm.

Mutha Sumer Chand, whose name had been suggested as a member of the committee by the mover, withdrew in favour of Mr. Jai Narain Vyas.

Mr. Inder Nath agreed to the Government nominating its own members on the committee provided the original number of two was retained. The movers of the rest of the proposals viz Nos. 1, 6(1), 14, 15 and 17 agreed to their proposals being considered by the proposed committee.

Regarding Proposal No. 5(5) standing in the name of Mr. Jai Narain Vyas, Mr. Srivastav assured the house that the Government would give sympathetic consideration to it. Mr. Jai Narain Vyas accepted the assurance and said that he did not wish to press the motion.

Proposal No. 18.

(PROPOSED BY MR. CHATUR BHUJ GEHLOT).

"There are several thousands of labourers in Marwar working in stone quarries, ginning factories, cloth mills and on building constructions *etc.*, but in the event of their being injured in the course of work, there is no law to secure compensation for them. This Board, therefore, recommends to the Government to introduce legislation in Marwar on the lines of the Workmen's Compensation Act."

Mr. Chatur Bhuji Gehlot, in moving the above proposal, said that since he was not a lawyer, he could not give any details of the legislation proposed in his motion. Now-a-days machinery was being used even in the stone quarries. There was every likelihood of the labourers being injured while working in the quarries *etc.* On grounds of humanity, the contractors and employers should be made to execute bonds, whereby they might become liable to compensate the labourers when injured while at work. He only wanted to draw the attention of the Government to the desirability of introducing the legislation. Once the principle was accepted, the Act could be framed by the Government.

Rai Sahib Tan Sukh Vyas moved an amendment to the effect that the legislation contemplated in the proposal of Mr. Chatur Bhuji Gehlot should apply to building constructions, factories and mills, where electric and mechanical power was used. Explaining the necessity for this amendment, he said that the mills driven by power were insured and therefore they could afford to give compensation to the injured labourers, but ordinary men could not afford to give compensation to labourers for every petty injury caused to them while at work on private building constructions, *etc.*

Mr. Zalim Chand supported the amendment of Rai Sahib Tan Sukh Vyas.

Mr. Jai Narain Vyas, opposing the amendment, said that in stone quarries, thousands of labourers worked and there was every likelihood of their being injured in the course of their work. It was therefore necessary to provide compensation for labourers working on the stone quarries also.

Mr. Bhopal Chand Lodha, Secretary, Public Works Department, informed the house that the Government invariably awarded compensation to the labourers, if they got injured, while employed even on Government works carried out by contractors. The proprietors of the Textile Mills established at Pali had also inserted a condition to that effect in the agreement under the orders of the Government. He assured the house that the Government would examine the question of extending this principle to private constructions and small industries also. The proposer was satisfied with the assurance and the proposal was not put to vote.

Proposal No. 19.

(PROPOSED BY THAKUR DEVI SINGHJI OF BHADRAJUN).

“ The use of intoxicants and narcotics including tobacco is detrimental to the health of boys. This Board therefore recommends to the Government to frame an enactment to prevent any person from selling or giving otherwise, any of these commodities to boys below 18 years of age.”

In moving the above proposal Thakur Devi Singhji of Bhadrajun pointed out in his speech the evil effects of smoking and requested the Government to introduce some legislation to this effect.

Mr. Rashid Khan, Secretary, Revenue Departments supported the proposal of Thakur Devi Singhji.

Khan Sahib T. G. Dalal replying on behalf of the Government said that the proposal tabled by the Thakur Sahib of Bhadrajun had the full sympathy of His Highness' Government. In fact His Highness' Government was anxious to gradually introduce such social legislation as would make the lives of the people happier and fuller.

The necessity of discouraging the habit of smoking amongst juveniles was realised by His Highness' Government as far back as 1928 and after ascertaining what other States had done in the direction, His Highness' Government enacted the Marwar Juvenile Smoking Act 1930 which is still in force in the State.

He had now been authorised by the Government to say that they would soon take steps to frame a Draft Act on the lines of the proposal tabled by the mover so as to prohibit the use of intoxicants and narcotics by all persons below the age of 18 and the same will be published in the Government Gazette for eliciting public opinion.

The mover was satisfied with the assurance given by the Secretary, Political Department and did not press the proposal for vote.

Proposal No. 20.

(PROPOSED BY SHAH ZALIM CHAND).

"The cultivators of Marwar remain in a state of indebtedness for generations. It is, therefore, necessary that attention be paid towards their miserable condition. This Board, therefore, recommends to the Government to enact debt legislation with a view to make the money-lending business beneficial both to the agriculturists and the 'Bohras' and to enable the cultivators to borrow money for agricultural purposes at a low rate of interest."

Proposal No. 21.

(PROPOSED BY THAKUR DEVI SINGHI OF BHADRAJUN.)

"With a view to improve the economic conditions of the agriculturists, this Board recommends to the Government to enact a law to provide the following reliefs to them:—

1. The creditors should not keep separate 'khatas' but keep one continued 'khata'.
2. Civil suit against an agriculturist should be for the whole outstanding debt and not for any part of it.
3. Creditors should not be allowed to advance loans to the agriculturists for death festivities, etc. Any loan so advanced should be considered as illegal.
4. Interest to be charged from agriculturists should not be more than 12% on the principal and no compound interest be allowed by the courts in decrees against agriculturists."

Proposal No 22

(PROPOSED BY CAPTAIN BALWANT SINGH.)

"Cultivators, if they only once borrow money, remain indebted all their lives. It has been noticed that money-lenders somehow or the other realise as much as Rs. 50/- sometimes for a sum of Rs. 5/- lent by them to the cultivators. In order to remove this evil, this Board recommends to the Government to regulate the rate of interest and the period of debt in the case of loans advanced to the cultivators."

Proposals Nos. 6 (4), 20, 21 and 22.

The above proposals related to the subject of Agricultural Debt Legislation and were considered together.

In moving proposal No. 20, Mr. Zalim Chand said that the object of his proposal was different from that of the Draft Marwar Relief of Indebtedness Act. The Draft Act provides that simple interest would be charged at the rate of $1\frac{1}{2}\%$ per month and compound interest at the rate of Rs. $1\frac{1}{4}\%$ per month and Re. $\frac{3}{4}\%$ per month. It would mean that if any body was found guilty of charging interest at a rate higher than the prescribed one, he would be prosecuted under the proposed Act. If that was so, no creditor would like to lend money to the agriculturists and render himself liable to prosecution. The object of his proposal was to enable the agriculturists to get loans at low rate of interest and at the same time to safeguard the interests of the creditors.

The creditor charged heavy rate of interest because he apprehended that the agriculturist's crops might fail and he might not repay his loan. He had 40 years experience of the courts. In a short period about 5000 cultivators became insolvent on account of usurious rates of interest. And once they became insolvents, no one would lend money to them. The result was that the agriculturists gave up agriculture and took to labour. What a heavy loss was caused to the country could be better imagined than described. It was the prime duty of the Government and the Jagirdars to give their best attention to the welfare of the agriculturists.

He therefore requested the Government to arrange loans at low rate of interest for the agriculturists, as well as to see that the loans advanced by the creditors were secure. This being done, the creditors would give loans to the agriculturists at the rate of about 6 p.c. Both the creditors and the agriculturists would then be happy. He requested the members of the Board to support his motion, which aimed at improving the lot of the agriculturists.

Mr. Jai Narain Vyas, supporting the proposal, said that the cultivators regarded the Government as their parents and therefore it was the duty of the Government to protect them and relieve them of their troubles. 'Bohras' charged very heavy rates of interests from the agriculturists and some of them even made false entries in their books to raise the amount of debts.

In rising to move proposal No. 21 Thakur Devi Singhji of Bhadrarajun said that these proposals were not meant to impoverish one class and enrich the other. The object of these proposals was to relieve one class of their troubles without unduly injuring the interests of the other. On the basis of his experience extending over 15 years as Honorary First Class Magistrate, he could say that in several suits instituted before him, great harrasment was caused to the agriculturists.

In respect of the first part of his proposal, he said that separate 'khatas' (accounts) should not be kept for every transaction or dealing. In having many separate 'khatas' there was the likelihood of some transactions becoming time-barred by mistake. That loss would have to be borne by the creditor. Sometimes the borrower, being illiterate might forget some dealings or refuse to pay

certain loans or to sign the account sheet in which case the creditor had to undergo unnecessarily the trouble of instituting a suit against him. These difficulties would not arise if separate 'khatas' were disallowed.

On the other hand the borrower had to remember as to how much had been paid by him and towards which dealings or transactions and whether the amount given by him had been accordingly credited or not. He, being illiterate, might forget something and thus be put to loss. Both the creditors and the debtors would be benefitted, if keeping of separate khatas were to be prohibited.

In regard to second item of his proposal, Thakur Devi Singhji of Bhadrajun said that if it were enforced that at the time of the institution of the suit the creditors should include the entire debt in their claim instead of filing separate suits for recovery of various items of the debt, which if not included in the claim, would be considered as relinquished, both the creditors and the debtors would be benefitted.

As regards the third item of his proposal he said that on the occasion of death of their relations, the cultivators were compelled by their caste men to perform 'Mausar' (after death festivals) even by borrowing money. The agriculturists, being illiterate and tied by old customs and traditions, could not think for themselves as to where in lay their good or what the consequences of such wasteful expenditure would be. Hence the evil custom of 'Mausar' should be stopped by law.

As regards item No. 4 of his proposal, he said that apparently the clause appeared to be harmful to the creditors but in reality it was not so from the economical point of view.

The representatives of trade and commerce in the house would come to the same conclusion as he had done that the worst type of business was that in which interest was charged at a rate higher than 12 % per annum. Therefore it was in the interest of the creditors to discourage usury.

Mr. Gulab Chand, speaking generally on debt legislation, said that in modern times, it was necessary to protect the agriculturists. Law in this connection was already there but if the courts did not put it into practice and did not do full justice, the creditors and debtors could not be blamed. The law was that if a person realised 4 to 8 times of the amount lent, the courts and the officers concerned should thoroughly examine the accounts and penalize those who were found guilty of unlawful transactions. But that was not being done. In Marwar the agriculturists had no rights over land. They had only a hut to live, an earthen pot for drinking water and a few animals. They owned nothing more. There was no security in giving money to the agriculturists on loan. At the outset this sense of security should be created and legislation should be introduced, fixing the rate of interest at 12 % or so. After that a committee might be set up to examine the old khatas and decide the reasonable amounts to be paid by the debtors to the creditors. It would then be better to introduce a legislation, prohibiting excessive interest. The agriculturists also should be made literate. The agriculturists had to go to Bohra for borrowing money. The Bohra refused to pay but when the agriculturist insisted, the Bohra was induced

to lend the money and charged interest 3 to 4 times of the actual loan. Thus it was no fault of the bohras but of the conditions and the practice prevailing in the country. In a marriage ceremony, an agriculturist spends about Rs. 200 or 250 or even 500/-. In fact the girls and boys were being sold under the pretext of marriage. On occasions of marriages, they were compelled to borrow. It was necessary to reform the evil customs. After that a legislation may be introduced prohibiting excessive interest on loans to agriculturists. There was no one in Marwar to lend money to the agriculturists except the 'bohras'. It was after every four years or so that they got a good harvest. It was on account of these circumstances that agriculturists could not get loans at low rate of interest.

Replying on behalf of the Government, Mr. Niranjani Swaroop Superintendent Hawala said that in proposal No. 20, no scheme was suggested. It contained a recommendation both for the agriculturists and the bohras. It was very difficult to frame a law which might be equally beneficial to both the agriculturists and the Bohras. However, the Government had framed a Draft Marwar Relief of Indebtedness Act so as to protect the agriculturists from excessive rates of interest. In famine years His Highness' Government granted lacs of rupees as Taccavi to the agriculturists. This year $1\frac{1}{2}$ lacs of rupees had already been advanced. It was hardly possible to recover even 20 % of the Taccavi. The Government appreciated the difficulties of the agriculturists and was contemplating to introduce measures for their relief. Under the provisions of the Marwar Relief of Indebtedness Bill, Debt Conciliation Boards will be established. After the introduction of the Act, if any 'bohra' charged heavy interest, the debtor would be able to take his case before the Debt Conciliation Board.

The movers of the proposals, being satisfied by the assurance given by the Government member, did not press their proposal for vote.

Proposal No. 23.

(PROPOSED BY SHAH GORDHAN LAL KABRA.)

"With a view to explore the possibility of setting up new industries in Marwar, to increase the prosperity of the land and provide relief to the unemployed, this Board recommends that the Government should have an Industrial and Economic survey of Marwar carried out by some expert who may be assisted by a Committee of officials and non-officials possessing local knowledge and experience."

Proposal No. 24.

(PROPOSED BY Mr. CHATUR BHUJ GEHLOT.)

"With a view to remove unemployment and to supplement the income of the villagers during the non-cultivation season, this Board recommends to the Government to encourage cottage industries in Marwar on the following lines:—

- (i) Steps may be taken to carry out an industrial survey of the cottage industries by forming pargana-wise committees of professional traders and Government officials concerned.
- (ii) An Industrial Board may be established at Jodhpur to consider and work on the data supplied by the pargana committees.
- (iii) At the headquarters of every pargana, a small Industrial Show may be held to exhibit the various raw materials and the industrial products made out of them, together with explanatory charts as to their rates and the market for them.
- (iv) At Jodhpur in a central locality like Girdikot or Junidhan Mandi or Sojati Gate, a similar Industrial Exhibition may be maintained permanently and an Industrial Information Bureau may be established.
- (v) The prevailing rates, demand, market conditions, etc. for the raw products may be published in the Government Gazette as is being done at present with regard to gold, silver, grain etc.
- (vi) Weekly Market Fairs may be held at two or three central places at the capital and at least one in each pargana.
- (vii) A Co-operative Industrial Bank may be opened with Government support for advancing petty loans."

Proposal No. 25.

(PROPOSED BY SETH GULAB CHAND.)

"The future of a country depends on its industrial progress. With the advancement in education, unemployment is rapidly increasing in Marwar also and one of its main causes is the absence of industries. In the present times every country is fast developing its industries. This Board, therefore, recommends to the Government to organise industries and encourage private enterprise by giving financial assistance so that the unemployed youths may find work and prove helpful in the progress of the country."

Proposals Nos. 23, 24 and 25.

Proposal Nos. 23, 24 and 25 relating to industrial development were considered together. Proposal No. 24 of Mr. Chatur Bhuj Gehlot, being comprehensive, was taken up first.

In moving his proposal, Mr. Chatur Bhuj Gehlot said that the problem of unemployment was acute even in double and treble cropped countries of the world these days, not to speak of Marwar which in its large portion was a desert and affected by famines every now and then. The only way to solve the problem of unemployment was to develop and encourage handicrafts and industries, both basic and subsidiary. Cottage industries were more suited to Marwar, where labour and materials for it were available. Before ascertaining which industries in Marwar could be profitably taken in hand, it was useful to take note of the principle trades and occupations of the people. These were agriculture, cattle-breeding, dairying, weaving, stone and marble quarrying, metal, ivory and dyeing works. These industries had suffered great decline, leaving many people unemployed. In old days the districts of Marwar were each one famous for particular industries and trades. Thus Nagaur was famous for its shawls (vide Aina Akbari), iron tools and gypsum. Merta was famous for soap, banat (a kind of woolen cloth), clay toys etc. Wooden articles and arms of Kuchaman were famous. "Saila" (a kind of embroidered fabric) of Jaitaran and Tukri (thick cloth) of Jalore and Maroth were renowned. Woolen blankets of Phalodi, dyed fabrics of Pokaran, Pipar, Busi, Samdari and Balotra were in great demand. Bhinmal, Jalore, Pali and Jodhpur were centres of brass and copper wares and Bilara and Sojat of 'Kirana' work. Recently Borawar had begun to produce good cotton cloth. Bali was even now a place of tannery. Marble engraving works of Makrana were renowned even in the markets outside India.

The Government had provided employment to thousands in its Railway workshops and was encouraging the establishment of cloth and woolen mills and other industrial concerns which would employ large number of people yet the number of unemployed was very large and there was great need for encouragement of handicrafts and cottage industries like weaving, spinning etc.

The main cause of the decline of handicrafts and industries of Marwar was the import of foreign-goods of all sorts even needles, toys, ghee, butter and sweetmeats etc. The balance of trade fortunately was in favour of Marwar i. e. the exports exceeded the imports. The commodities exported were all indigenous products of Marwar and were generally raw materials e. g. Fullers' earth, marble, gypsum, lime, bones, leather, cotton, wool etc. These raw materials could be converted into finished goods with profit. If a country's export of manufacture goods was less than its imports, it was bound to remain economically backward and poor. The gypsum of Nagaur and the lime of Gotan could be profitably utilised for manufacture of cement. Similarly the industry of wool, clay and glass be profitably developed. These new industries would offer employment to thousands of persons and yield an increase of lacs of rupees to the State. He said that he had made some contribution to the subject at the time of the Industrial census in 1921. His work was acknowledged by the Superintendent, Census Operations, Rajputana and Ajmer-Merwara. The industrial products of Marwar had won several certificates and medals testifying

their utility and worth in the Provincial and All-India Exhibitions. Cotton products of Marwar were sent to the British Empire exhibition at Wembley in 1922. Sir T. Vijayaraghavachariar, who was the Indian Commissioner at the Exhibition, after inspecting the cotton products of Marwar, expressed high admiration for them. In the Indian Forest Organ, the wood of the Marwari 'Rohira' tree was described as having the same qualities as the teak when scientifically examined.

In the concluding part of his speech, Mr. Chatur Bhuj requested the Government to undertake an economic and an industrial survey of Marwar, which was very necessary to get an idea of the prospects and potentialities of industrial development in Marwar. In view of the famine conditions this year, the survey could be made next year. This work could to some extent be entrusted to the Central Marketing Board in which some members from the districts might be added to advise on matter concerning districts. Small industrial exhibitions might be opened at the headquarters of the Hakumats or Hawala or Customs buildings. This would not cost more than Rs. 100/- to Rs. 200/-. The exhibits could be had free of charge from the Agriculture, Forest and Mines Departments of the Government and from private persons also. In Jodhpur an Exhibition and Industrial Bureau might be established in the Sardar Market. In these houses improved tools, hand-driven and small power machines, designs and samples might be kept for demonstrational purposes.

It would not mean any big expenditure, if raw materials and the market for them, rates and such other information were published in the Government Gazette. This might lead to an increase in the demand for the Gazette and the Government and the workers would be benefitted indirectly. The work of compiling such information might be entrusted to the Secretary of the Marketing Board, who would collect the requisite information from the members of the districts. Weekly '*Hatwaras*' (fairs) should also be held at two or three places in the city by turns, for instance, in Girdikot, Juni Dhan Mandi and the open place outside Sojati Gate. The scheme for establishing a Co-operative Industrial Bank might be entrusted to the Registrar, Co-operative Societies, who might bring the matter before the Board next year with his suggestions.

Mr. Bhopal Chand, Secretary, Public Works Department thanked Mr. Chatur Bhuj Gehlot for giving the house the benefit of his knowledge of the indigenous industries. He said that the question of the development of handicrafts and cottage industries of Marwar was under consideration. The Government fully realised the importance of the matter and was busy making enquiries in this connection. He assured the house that as soon as the enquiry was completed the Government would announce the scheme to be followed.

Mr. Chatur Bhuj was satisfied with the assurance. He, however, said that it would be better if the subjects which he had referred to in his speech could be included in the enquiry which the Government was making so that the proposal could materialise early.

In supporting the proposal Mr. Jai Narain Vyas requested the Government to encourage private industrial enterprise by granting subsidies. He happened to attend some entertainment at Rani, where ice was brought from Ajmer.

as in Jodhpur people were not permitted to open ice factories. If the Government were to encourage the industries, they would develop very soon and add to the wealth of Marwar. The wool industry also would develop very well along with Khadi Industry as was the case in Mysore. The quality of wool produced here was to be rarely found elsewhere. There were good carpenters who would do similar or better work than was done by outsiders. But they were in need of some support from the Government. He remembered that when he was employed in the P. W. D. a big order for purchase of iron doors was placed with Messrs William Jacks & Co. What a tremendous loss this policy caused to the local industries? As far as possible, orders should be placed with proprietors of local industries so that they could flourish. He hoped that the Government would encourage private industrial enterprise.

Mr. Bhopal Chand Lodha, speaking again on behalf of the Government in reply to the debate, said that the Government was always in favour of encouraging private industrial enterprise. Recently Government had given very liberal concessions to the proprietors of the Cotton Mill at Pali. If the Cotton Mill prospered, a woolen mill was likely to be opened and thus employment would be secured for thousands of workers. The order with Messrs William Jacks had been placed many years ago. It was now the policy of the Government not to get anything from outside if the same was available or could be prepared in Marwar. The iron sluice gates for the Takhatsagar and Umedsagar bunds, the type of which formerly used to be imported from outside were prepared here. An order had been placed with a local firm for making the iron stands of the seats in the New Cinema. It would thus appear that the Government was very keen in encouraging local industries.

Proposal No. 26.

(PROPOSED BY MUHTA SUMER CHANDJI.)

"This House is of opinion that it will be in the interests of economy and advisable from many points of view to appoint a Stores Purchase Committee and to make it incumbent on all the Departments of the State, including the Railway to make all their purchases through this Committee."

In moving the above proposal Muhta Sumer Chandji said that in the Marwar Gazette, the public was informed only of the purchases made by the Household Departments. Purchases were also made by many other departments of the State but it was only the merchants concerned with those departments, who know anything about the purchases. The general public did not know what things they could supply to the State departments. The purchases were made by the officers themselves who did not get sufficient time to study the market rates on account of their being busy with departmental affairs although they tried to make purchases at the lowest possible rates.

In Mysore, Gwalior, Bikaner and many other States, there were Stores Purchase Committees. A Stores Purchase Committee might be appointed here as well. It would lead to the development and encouragement of local industries also.

The proposal was seconded by Mr. Chatur Bhuj Gehlot.

Khan Sahib T. G. Dalal, replying on behalf of the Government said that the proposal for formation of a Stores Purchase Committee for the whole of the State including the Railway was an important one. It involved a change of policy which had been followed so far by the State. It affected the working of almost all the State departments.

An attempt was made in 1931 in the time of Kunwar Sir Maharaj Singhji to establish a Stores Purchasing Committee for the whole of the State. Enquiries were made from the other States as to what they were doing in the matter and information was obtained from them. But for some reasons the proposal did not materialize. There existed a Stores Purchasing Committee in the Jodhpur Railway since 1927. The President of the committee was the Controller of Stores, and the Loco and Carriage Superintendent and the Auditor of Accounts were the members. The committee had powers to make all purchases of stores on behalf of the Railway and to dispose of the surplus stores. Their recommendations are submitted to the Manager who has the power to sanction them. Most of the Railway Stores were now purchased in India through the Indian Stores Department. The Government of Jodhpur viewed the proposal favourably but before committing themselves to it they would give full consideration to it. They would invite the views of the larger stores purchasing departments of the State and also collect information from other progressive States in the matter. The question of amalgamating the Jodhpur Railway Stores Committee into the proposed committee for the whole of the State would also be thoroughly examined. It might be possible that by the time of the Board's next sitting the Government would be able to place before it the result of their investigation in the matter.

The mover was satisfied with the assurance given on behalf of the Government and said that he did not wish to put the proposal to vote.

Proposal No. 27.

(PROPOSED BY MR. SUKHDEO CHARAN.)

"The progress of a country largely depends on the easy means of communication. Now-a-days all civilised countries are paying their best attention to road development. The way leading from Raoti to Balsamand and Mandore *via* Ghora Ghati is a public thoroughfare. When the fairs are held at Mandore in the months of *Sawan* and *Bhadwa*, the vehicular traffic has to experience much trouble owing to lack of a metalled road. This Board, therefore, recommends to the Government that a metalled road may be constructed from Raoti to Balsamand *via* Ghora Ghati in order to afford facilities both to the pedestrians and the vehicular traffic."

In moving the above proposal Mr. Sukhdeo said that the progress of a country depended on the easy means of communication. Trade could not flourish, if there were no easy means of communication. That was the main reason why all the civilised countries were paying their best attention to road development. It was a matter of satisfaction that His Highness' Government had been taking keen interest in road development. The way leading from Raoti to Balsamand and Mandore *via* 'Ghora Ghati' was lying in a dilapidated condition. It was a very important and useful thoroughfare and remained busy day and night. Most of the people going to Mandore from the city and vice-versa used it all through the year. But the vehicular traffic, passing on it had to experience much trouble in the absence of a metalled road, especially in the months of *Sawan* and *Bhadwan* when fairs were held at Mandore. They had to take a round about way on account of which hardship was experienced both by the people and the animals. If a road could be constructed, the people of the city could easily go to Balsamand and Mandore gardens for walks both in the evening and morning for the sake of their health.

Further he said that most of the stone quarries which had hitherto been lying unused, would be worked and their stone could be carried to the city by this road. Thus it would help trade also. The road to be constructed would not be longer than a mile. The construction of that road had already been sanctioned by the Government but due to some reasons the work had not been carried out.

Speaking on behalf of the Government, Mr. Bhopal Chand, P. W. Secretary, said that for the development of trade, easy means of communication were most necessary as Mr. Sukhdeo had said. He informed the house that during the past few years a number of roads had been constructed by the Government in the districts. The road from Raoti to Balsamand *via* Ghora Ghati was not so important as to deserve preference. However, the Government realised its importance as early as 1936, when its construction was sanctioned but due to pressing necessity for other works, it could not be taken in hand. This time much of the money was being spent in combating famine. He therefore assured the house that in the next year or so the work of constructing the road would be undertaken by the Government, if funds would permit.

Proposal No. 28.

(PROPOSED BY CAPTAIN BALWANT SINGH.)

It is noticeable that the weights and measures used in the villages are not uniform. The 'Bohras' use local lighter weights while lending the corn and heavy weights while receiving the corn back and thus cheat the agriculturists. This Board therefore recommends to the Government to introduce uniform weights and measures throughout Marwar in order to put a check on the use of deficient weights and measures by the 'Bohras'."

In moving the above proposal Captain Balwant Singh said that it was noticeable that the weights and measures used in the villages were not uniform. The 'bohras' (money-lenders) used light weights while lending the corn and heavy weights while receiving it back and thus cheated the agriculturists. He, therefore, requested the Government to introduce uniform weights and measures throughout Marwar in order to put a check on the use of deficient weights and measures by the 'bohras'.

The proposal was seconded by Mr. Bulidan Singh.

Speaking on behalf of the Government Mr. Kishen Puri, said that the question was already receiving the attention of the Government. The Weights and Measures Act was in operation in the Jodhpur city and suburbs. Enquiries were being made and statistics were being collected from the districts and on their completion the Government would see the extent to which the Act could be applied in the districts.

Captain Balwant Singh said he was satisfied with the reply of the Government and did not desire votes to be taken on it.

KISHEN PURI,
Secretary,
Central Advisory Board,
Jodhpur.

APPENDICES.

2014.10.10

**Draft Rules Relating to the conduct of Business in the
Central Advisory Board and the District Advisory
Boards of Marwar.**

1. These Rules shall be called "Rules relating to the conduct of business in the Central Advisory Board and the District Advisory Boards." Title.
2. In these Rules, unless there is something repugnant in the subject or context, the expression set out below will have the following meanings:— Definitions.
- (a) "Board" means the Central Advisory Board and also includes a District Advisory Board at the Hakumat headquarters.
 - (b) "Member" means a member of the Central Advisory Board and also includes a member of the District Advisory Board.
 - (c) "Gazette" means the Jodhpur Government Gazette.
 - (d) "Notification" means a Notification in the Jodhpur Government Gazette.
 - (e) "Motion" means a proposal made by a member for the consideration of the Board relating to any matter which may be discussed by the Board and includes an amendment.
 - (f) "Session" means the whole period from the time when the Board commences its sittings to the time when it is prorogued.
 - (g) "Minister-in-charge" means the Minister-in-charge of the portfolio of the Advisory Boards.
 - (h) "President" means the President of the Central Advisory Board and also includes the President of a District Advisory Board.
 - (i) "Secretary" means the Secretary of the Central Advisory Board and includes any person for the time being duly authorised to perform all or any of the duties of the Secretary.

—
PART II.

Duration and Session of the Board.

3. The ordinary life of the Board is one year from the date of its first meeting. Duration of the Board.
4. (a) The Minister-in-charge shall, by notification, appoint the date and place for a session of the Board. Summoning of the Board and the dates of the meetings.
- (b) In the case of the Central Advisory Board, the Secretary, and in the case of the District Advisory Board, the President, shall issue summons to each member for the date and place so appointed.
- (c) After the commencement of a session, the Board shall sit on such days as the President, having regard to the state of business of the Board, may from time to time direct.

PART III.

General Rules of Procedure.

- Quorum.** 5. The presence of at least one third of the total number of members shall be necessary to constitute a meeting of the Board for the exercise of its powers.
- Adjournment for failure of Quorum.** 6. If the President, on a count being demanded by a member at any time during the meeting, ascertains that one-third of the total number of members is not present, he shall adjourn the Board to the next day on which it would ordinarily sit.
- Provided that no demand for a count to ascertain the presence of a quorum shall be made within one hour of any previous count.
- Seating of Members.** 7. The Members shall sit in such order as the President may appoint.
- Members to rise when speaking.** 8. A Member desiring to make any observations on any matter before the Board shall speak from his place, shall rise when he speaks, and shall address the President. At any time if the President rises, any member speaking shall resume his seat.
- Explanations.** 9. When, for the purposes of explanations during discussion or for any other sufficient reason, any member finds it necessary to ask a question of another member on any matter then under the consideration of the Board, he shall ask the question through the President.
- Language in the Board.** 10. The proceedings of the Central Advisory Board shall be conducted in English or Hindi, and that of the District Advisory Boards in Hindi; but if any member is unable to speak in Hindi, he may address the Board in the Marwari language.
- Limitations on debate.** 11. (1) The matter of every speech shall be strictly relevant to the matter before the Board.
- (2) A member while speaking shall not:—
- (a) refer to any matter or fact on which a judicial decision is pending;
 - (b) make a personal charge against a member;
 - (c) reflect on the conduct of His Highness, or any member of the Jodhpur Ruling family or His Majesty the King Emperor or the Ruler of any foreign State or the Governor General of India or the Governor of any Province in British India or of any Court of Justice having jurisdiction in Marwar;
 - (d) utter treasonable, seditious or defamatory words; or
 - (e) use his right of speech for the purposes of obstructing the business of the Board.
- Member to notify to the President his intention to leave the place.** 12. When after the commencement of the business any member desires to leave the place, he shall notify his intention to do so to the President.
- Motions which may be brought before the Board.** 13. Any member may bring before the Board any motion which relates to the business before the board.

14. Notice of every motion which is not merely of a formal nature shall be given to the Secretary, in the case of the Central Advisory Board, and to the President, in the case of District Advisory Boards, at least 21 days before the date of the meeting. The President may, if he deems fit, permit a shorter notice to be given or accept such shorter notice. The Secretary, in the case of the Central Advisory Board, and the President, in the case of the District Advisory Board, shall supply all the members with copies of the proposed motion 7 days before the date of the meeting.

Notice of motion to be given.

15. When a motion is only of the nature of an amendment to another motion, the President may allow it to be moved without notice.

When motion can be moved without notice.

16. The President may disallow any motion or part of a motion on the ground that it does not pertain to any business before the Board, or that it raises a question substantially identical with a question which has previously been disposed of within the ordinary term of the Board, or that it cannot be moved without detriment to the public interest, or that it relates to a matter on which the Board is not authorised to advise the Government, or other sufficient reasons.

President's power to disallow a motion.

If the President disallows a motion, the member who sent it shall be informed of the President's decision and it shall not be included in the agenda.

17. (1) Motions shall be entered in the agenda in the order in which they are received by the Secretary in the case of the Central Advisory Board, and the President in the case of District Advisory Board, and unless the President rules otherwise, they shall be put before the Board in the same manner.

Order in which motion may be put.

(2) Amending motions will follow the order of the original motions.

18. (1) The member giving notice of a motion shall read out the motion to the Board and shall then make a speech, if any, in support of it.

Motion to be read out by the member putting the same.

(2) If the member who has given notice of a motion is unable to put it before the Board for any reason, any other member may put it before the Board.

If the mover is unable to move.

(3) If, after the conclusion of a speech by the mover of a motion, any other member moves an amendment to it, the original mover shall be entitled to reply to the amendment.

Liberty of the original mover to reply to the amendment.

19. Unless the President rules otherwise, a motion need not be supported.

No support to a speech necessary.

20. (1) After the member who moves a motion has spoken, other members may speak on the motion in such order as the President may direct. If any member who is so called upon does not speak, he shall not be entitled, except with the permission of the President, to speak on the motion at any later stage of the debate.

Order of speeches and right of reply

Except in the exercise of a right of reply or as otherwise provided by these Rules, no member shall speak more than once on any motion except with the permission of the President, and that only for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.

(2) A member, who has moved a motion, may again speak by way of reply, and if the motion is moved by a non-official member, the member of the Government to whose department the matter relates may, with the permission of the President, speak (whether he has previously spoken in the debate or not) after the mover has replied.

Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a motion save with the permission of the President.

(3) The President may, in all cases, address the Board before putting a question to vote.

Time limit of speeches.

21. No speech on the part of a mover of a motion shall occupy more than 30 minutes and no speech by any other member or by the mover in replying at the end of the debate shall occupy more than 10 minutes.

President's power to order discontinuance of a speech.

22. The President may order a speech to be discontinued, if he thinks:—

(a) that it is not relevant to the matter before the Board.

(b) that the member is repeating either his own arguments or those used by other members; or

(c) that it should be discontinued for any other reason which he may specify.

Rules as to amendments.

23. (1) An amendment must be relevant to and within the scope of, the motion to which it is proposed.

(2) An amendment which has merely the effect of a negative vote shall not be allowed.

(3) The President may refuse to allow an amendment which is in his opinion frivolous.

(4) An amendment must be seconded, and if no seconder is forthcoming, it will be considered as dropped.

Closure.

24. (1) At any time after a motion has been made, any member may move "That the question be now put" and, unless it appears to the President that the latter motion is an abuse of the rules, or an infringement of the right of reasonable debate, the President shall put the motion "That the question be now put."

(2) Where such motion is carried, the question shall be put without amendment or debate.

Provided that the President shall allow any member any right of reply which he may have under the Rules.

Order of the business before the Board.

25. (1) The President shall see that the work of the Board is done systematically and he shall decide every question in this regard and his decision shall not be subject to any discussion.

(2) Any member may draw the attention of the President to any irregularity of procedure and when the President's attention is so drawn by a member, any other member, who may be speaking at the time, shall cease speaking until the question is decided.

Decision on points of order.

26. (1) The President shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may, at any time, submit a point of order for the decision of the President, but in doing so he shall confine himself to stating the point.

27. The member bringing a motion, or an amendment to it, may withdraw the same before it is put to the vote, provided any other member does not demand a vote on the same. If a motion is not so withdrawn, the President after discussion is over, shall read it out and shall put the question and take the vote.

Withdrawing a motion.

28. All questions before the Board shall be determined by a majority of votes of the members present. The President shall exercise a casting vote when there is equality of votes. No further discussion shall be allowed after a question is thus put.

Voting.

29. (1) Votes may be taken by raising of hands or division; it shall be taken by division if any member so desires. The President shall determine the method of taking votes by division.

Method of taking votes

(2) Votes in favour of a motion shall be first taken and then votes against a motion.

(3) No member is under any obligation to give his vote either in favour or against a motion.

(4) The result of division shall be announced by the President and it shall not be challenged.

30. (1) Unless the President orders otherwise, the business in the Board will be conducted in the order shown in the Agenda.

The agenda to be followed.

(2) No item not included in the Agenda shall be allowed to be considered without the permission of the President.

31. (1) The President shall preserve order and shall have all powers necessary for the purpose of enforcing his decision on all points of order.

Power to order withdrawal of members.

(2) He may direct any member, whose conduct is in his opinion, grossly disorderly, to withdraw immediately from the Board, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting that day. If any member is ordered to withdraw a second time in the same session, the President may direct the member to absent himself from the meeting of the Board for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Board, suspend the sitting for a time to be fixed by him.

(4) The President may, at his discretion, adjourn a meeting to any other day even if the business for the day is not wholly disposed of.

(5) Any ruling given by the President shall be final and there shall be no discussion about it.

GENERAL.

When a seat will be
deemed to fall vacant:

32. When a non-official Member:—

(a) tenders resignation of his office; or

(b) is absent for two successive sessions without the previous permission of the President; or

(c) accepts service under the Government; he ceases to be a member.

Vacancies to be filled
up by the Minister in-
charge.

33. Any vacancy caused under the foregoing rule shall be filled up in accordance with the orders of the Government.

Strangers

34. Admission to the meetings of the Board shall be by passes to be issued by the Secretary, in the case of the Central Advisory Board, and the President, in the case of District Advisory Boards. Request of members may be considered.

Power to order with-
drawal of strangers.

35. The President may, whenever he thinks fit, direct the House to be cleared of strangers.

The Marwar Child & ill-matched Marriages Prevention Act, 19 .

An Act to restrain the solemnisation of Child and ill-matched Marriages.

Whereas it is expedient to restrain the solemnisation of child and ill-matched marriages in Marwar, it is hereby enacted as follows:— Preamble.

1. (1) This Act may be called the Marwar child and ill-matched Marriages Prevention Act, 19 . Short title.

(2) It extends to the whole of Marwar except the Sambhar Shamlat Area and applies also to:—

(a) All Marwar Darbar's subjects and servants of the Darbar in any part of India;

(b) All Marwar Darbar's subjects who are domiciled in any part of India wherever they may be.

(3) It shall come into force at the expiration of one month from the date of its publication in the Jodhpur Government Gazette. Commencement.

2. In this Act, unless there is anything repugnant in the subject or context:— Definitions.

(a) "child" means a person who, if a male, is under eighteen years of age, and if a female, is under fourteen years of age;

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

(c) "contracting party" to a marriage, means either of the parties whose marriage, is or is about to be thereby solemnised

(d) "minor" means a person of either sex who is under eighteen years of age; and

(e) "ill-matched marriage" means the marriage of a man with a woman or girl more than 20 years younger than himself.

3. Whoever, being a male above eighteen years of age and below twenty-one, contracts a child marriage shall be punishable with fine which may extend to one thousand rupees. Punishment for male adult below twentyone years of age marrying a child.

4. Whoever, being a male above twenty-one years of age contracts a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both. Punishment for male adult above twentyone years of age marrying a child.

5. Whoever, being a male contracts a marriage with a female more than 20 years younger than himself shall be punishable with simple imprisonment which may extend to one month or with a fine which may extend to one thousand rupees, or with both.

Punishment for solemnising a child marriage.

6. Whoever, performs, conducts or directs any child marriage or ill-matched marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees or with both unless he proves that he had reason to believe that the marriage was not a child marriage or an ill-matched marriage.

Punishment for parent or guardian concerned in a child marriage or ill-matched marriage.

7. (1) Where a minor contracts a child marriage or ill-matched marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawfull, who does any act to promote the marriage or permits it to be solemnised, shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Provided that no woman shall be punished with imprisonment.

(2) For the purposes of this section, it shall be presumed unless and until the contrary is proved, that where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnised.

Imprisonment not to be awarded for offence under Section 3.

8. Notwithstanding anything contained in Section 64 of the Marwar Penal Code, a court sentencing an offender under Section 3 shall not be competent to direct that, in default of payment of the fine imposed, he shall undergo any term of imprisonment.

Jurisdiction under this Act.

9. Notwithstanding anything contained in Section 190 of the Marwar Criminal Procedure Code, no Court other than that of a First Class Magistrate shall take cognizance of, or try, any offence under this Act.

Mode of taking cognizance of offence.

10. No Court shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed.

Preliminary inquiries into offences under this Act.

11. The Court taking cognizance of an offence under this Act shall, unless it dismisses the complaint under Section 203 of the Marwar Criminal Procedure Code, itself make an enquiry under Section 202 of that Code.

Power to take security from complainant.

12. (1) When the Court takes cognizance of any offence under this Act upon a complaint made to it, it may for reasons to be recorded in writing at any time after examining the complainant and before issuing process for compelling the attendance of the accused, require the complainant to execute a bond with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under Section 250 of the Marwar Criminal Procedure Code and if such security is not furnished within such reasonable time as the court may fix, the complaint shall be dismissed.

(2) A bond taken under this Section shall be deemed to be a bond under the Marwar Criminal Procedure Code and Chapter XLII of the Code shall accordingly apply.

Power to issue injunction prohibiting marriage in contravention of this Act.

13. (1) Notwithstanding anything contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage or ill-matched marriage in contravention of this Act has been

arranged or is about to be solemnised, issue an injunction against any of the persons mentioned in Sections 3, 4, 5 and 6 of this Act prohibiting such marriage.

(2) No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction.

(3) The Court may either on its own motion or on the application of any person aggrieved rescind or alter any order made under sub-section (1).

(4) Where such an application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader and if the Court rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(5) Whoever knowing that an injunction has been issued against him under sub-section (1) of this Section disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

Provided that no woman shall be punished with imprisonment.

The Marwar Press Act, 1923.

Whereas it is necessary to provide for the better control of printing presses and publication of books, papers and periodical works printed or lithographed in Marwar, it is hereby enacted as follows:—

1. This Act may be called the Marwar Press Act, 1923.

It extends to the whole of Marwar, exclusive of the Sambhar Shamlat area.

It shall come into force on 1st November 1923.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Book” includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet or music, map, chart, or plan separately printed or lithographed.

*Illustration:—*A magazine is a book.

(b) “Newspaper” means any periodical work containing public news or comments thereon.

(c) “Publisher” means a person who causes a book or paper to be printed and offers it to the public for sale.

*Illustration:—*The vendor of a newspaper or of a book is not included in the term publisher.”

(d) “Printing Press” includes all engines, machineries, types, lithographic stones, implements, utensils, and other plant or materials used for the purpose of printing.

*Illustration:—*A cyclostyle is a printing press, but not a typewriter.

(e) “Proscribed foreign publication” includes all publication that have been proscribed by the Government of India or any of its Local Governments or by any Indian States having a personal salute of 11 guns.

3. No person shall, within the Marwar territory, keep in his possession any press for the printing of books, papers or newspapers, except with the permission of the Mehkma Khas.

4. Whoever shall keep in his possession any press, otherwise than in conformity with the rule contained in the last preceding section, shall, on conviction before a competent Magistrate, be punished with fine not exceeding one hundred rupees.

5. No newspaper or book or paper shall be printed or published by any person or press, within the Marwar territory, except with the previous sanction of the Mehkma Khas.

EXCEPTIONS:—The following publications are exempted from the provisions of this section:—

- (1) Price lists and tradesmens' circulars.
- (2) Catalogues of books and other articles, auctioneers' notices and advertisements.
- (3) Play bills, comprising advertisements of theatrical musical and acrobatic entertainments.
- (4) Temperately worded petitions and appeals addressed to constituted authority under the provisions of law.
- (5) Testimonials of private individuals or public officers.
- (6) Annual reports of schools, banks, societies and firms.
- (7) Almanacs and calendars.
- (8) Labels affixed to articles of commerce.
- (9) Invitation and such other letters in social functions.
- (10) Books on literature, science, art, religion, society and education.
- (11) Such other matters as the Darbar may, from time to time, notify in the Marwar Gazette.

6. No seditious or obscene literature, or matters relating to State Politics, or such matters as are calculated to incite anarchical outrages or to acts of violence, or to tamper with the loyalty of the army or navy, or to excite racial, class or religious animosities, shall be printed or published within the Marwar territory by any person.

7. Every book, paper or newspaper printed or published within the Marwar territory shall have printed legibly on it the names of the press, printer, and the number of copies printed, and in the case of a newspaper, the name of the editor also; and if the book or paper be published, the name of the publisher, the date and place of publication also.

8. Whoever shall print or publish any book or paper or newspaper, otherwise than in conformity with the rules contained in sections 5, 6 & 7 of this Act, shall, on conviction before a competent Magistrate, be punished with fine not exceeding five hundred rupees, and in case of breach of the provisions in section 6, the press shall also be liable to forfeiture.

9. No printing press or publisher in Marwar shall exchange its or his publication with any foreign publication.

10. Every proprietor of a press or publisher in Marwar who imports any proscribed foreign publication into the Marwar territory in exchange with his publication, shall on conviction before a competent Magistrate, be punished with fine not exceeding fifty rupees.

11. If any person, whose name has appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before a Magistrate and make a declaration that his name was incorrectly published in the issue as that of the editor thereof, and if the Magistrate after making such enquiry or causing such enquiry to be made as he may consider necessary is satisfied that such declaration is true, he shall certify accordingly.

12. (1) Every proprietor of a printing press shall make a declaration before the Mehkma Khas giving the name of the press, a true and precise description of the place where the press is situated and the names of the printer and publisher (if any).

(2) As often as the place of printing or any of the aforesaid names is changed, a new declaration shall be necessary.

13. (1) The printer or publisher of every book, paper or newspaper, other than those exempted under section 5 of this Act, shall deliver to the Mehkma Khas, free of charge, two copies of the book, paper or newspaper within 15 days from the date on which they go out of the press, and shall declare the name and address of the person who placed the order in the press.

(2) The officer to whom such copies are delivered shall give to the printer a receipt in writing therefor.

14. If any printer or publisher of a book, paper or newspaper, as is referred to in the last preceding section of this Act, shall neglect to deliver copies of the same pursuant to that section, he shall, on conviction before a competent Magistrate, be punished with fine not exceeding fifty rupees for every such default.

15. Any person, who shall, in making any declaration under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall on conviction before a competent Magistrate, be punished with fine not exceeding fifty rupees.

The Draft Marwar Juvenile Smoking Act, 1930.

An Act to prevent juveniles from smoking tobacco.

Whereas, it is expedient to prevent juveniles from smoking tobacco ; It is hereby enacted as follows :—

Preamble.

1. (1) This Act may be called "The Marwar Juvenile Smoking Act, 1930".

Short title and extent.

(2) It shall extend to all the Municipal towns in Marwar, excepting Sambhar Shamlat area and to such other places as His Highness the Maharaja Sahib Bahadur may, by notification in the official Gazette, deem fit to extend it.

(3) It shall come into force on 1st May, 1930.

2. In this Act :—

"Tobacco" means tobacco in any form and includes any smoking mixture intended as a substitute for tobacco ;

Definitions.

"Public place" means any place to which the public, for the time being has access whether on payment or otherwise and includes a railway station and a railway carriage.

3. Whoever sells or gives or attempts to sell or give to a child apparently under the age of 14 years, any tobacco, whether for his own use or not, shall be liable on conviction by a Magistrate in the case of a first offence to a fine not exceeding ten rupees, and in the case of a second offence committed after the first conviction to a fine not exceeding twenty rupees, and in the case of a subsequent offence committed after two previous convictions, to a fine not exceeding fifty rupees.

Penalty for selling or giving tobacco to children.

4. If any child apparently under the age of 14 years, be found in possession of or smoking tobacco in any public place, it shall be lawful for any police officer, Member of a Municipal committee, any Customs or Revenue Officer not below the rank of a Thanedar or a Hawaldar respectively, legal practitioner, qualified Medical Practitioner, teacher of a recognised school or college, or Magistrate to seize such tobacco and destroy it, or to find out the person selling or giving the tobacco to the child and then take the tobacco and report the matter to the nearest Magistrate of the third class with a view to his taking action under Section 3 of this Act.

Seizure of tobacco being smoked by a juvenile in a Public place.

THE MARWAR RELIEF OF INDEBTEDNESS ACT, 1939

(*An Act to provide for the relief of Indebtedness in Marwar*)

Whereas it is expedient to make provision for the regulation of the relations between debtors and creditors; It is hereby enacted as follows:—

Preamble.

PART I.

Preliminary.

1. (1) This Act may be called the Marwar Relief of Indebtedness Act, 1939.

Short title, extent and commencement.

(2) This part and parts III, IV, V, VI, and VII shall extend to the whole of Marwar and Part II to such areas as the Government of Jodhpur may from time to time by notification, direct.

(3) This Act shall come into force from such date as the Government of Jodhpur shall notify in the Jodhpur Government Gazette in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context:—

Interpretation clause
(Definitions).

(1) "Interest" means rate of interest and includes the return to be made over and above what was actually lent whether the same is charged or sought to be recovered specifically by way of interest or otherwise; (it also includes what is commonly known as "Kata" in Marwar).

(2) "Loan" means a loan whether of money or in kind, and includes any transaction which is, in the opinion of the court, in substance a loan.

(3) The term "Government of Jodhpur" means His Highness the Maharaja Sahib Bahadur and includes the Chief Minister or Minister-in-charge of the Revenue Department.

PART II.

Insolvency Procedure.

3. In Section 10 (1) of the Marwar Insolvency Act, 1937, after the existing clause (a) the following clause shall be inserted:—

(a) "his debts amount to two hundred and fifty rupees, and he satisfies the court that he is entitled to summary administration of his estate under section 74 of this Act; or"

4. In section 74 of the Marwar Insolvency Act, 1937, for the words "five hundred rupees" the words "two hundred rupees" shall be substituted.

PART III.

Usurious loans.

5. (1) Notwithstanding the provisions of any other Act or Rule where in any suit to which this Act applies, whether heard ex-parte or otherwise the court has reason to believe;

(a) that the interest is excessive; or

(b) that the transaction was, as between the parties thereto, substantially unfair, the Court shall exercise all or any of the following powers namely, shall

(1) re-open the transaction, take an account between the parties, and relieve the debtor of all liability in respect of any excessive interest;

(2) notwithstanding any agreement, purporting to close previous dealings and to create a new obligation, re-open any account already taken between them and relieve the debtor of all liability in respect of any excessive interest, and if anything has been paid or allowed in account in respect of such liability, order the creditor to pay any sum which it considers to be repayable in respect thereof.

(3) set aside either wholly or in part or revise or alter any security given or agreement made in respect of any loan and if the creditor has parted with the security, order him to indemnify the debtor in such manner and to such extent as it may deem just;

Provided that, in the exercise of these powers, the court shall not:—

(i) re-open any agreement purporting to close previous dealings and to create a new obligation which has been entered into by the parties or any persons from whom they claim at a date more than twelve years from the date of the transaction.

(ii) do anything which affects any decree of a court.

EXPLANATION:—In the case of a suit brought on a series of transactions the expression “the transaction” means, for the purpose of proviso (1), the first of such transactions.

(2) (a) In this section “excessive” means in excess of that which the court deems to be reasonable having regard to the risk incurred as it appeared, or must be taken to have appeared, to the creditor at the date of the loan.

(b) In considering whether interest is excessive under this section, the court shall take into account any amounts charged or paid whether in money or in kind, for expenses, inquiries, fines, bonuses, premia, renewals, or any other charges and if compound interest is charged, the periods at which it is calculated and the total advantage which may reasonably be taken to have been expected from the transaction.

(c) In considering the question of risk the court shall take into account the presence or absence of security and the value thereof, the financial condition of the debtor and the result of any previous transactions of the debtor, by way of loan, so far as the same were known or must be taken to have been known to the creditor.

(d) In considering whether a transaction was substantially unfair, the court shall take into account all circumstances materially affecting the relations of the parties at the time of the loan or tending to show that the transaction was unfair, including the necessities or supposed necessities of the debtor at the time of the loan so far as the same were known, or must be taken to have been known, to the creditor

(e) The court shall deem interest to be excessive if on secured loans it exceeds twelve percent per annum simple interest, or nine per cent per annum compound interest with annual rests, and if on unsecured loans it exceeds eighteen and three quarter per cent per annum simple interest or fourteen per cent per annum compound interest with annual rests; provided that the court shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the Imperial Bank of India or any banking company registered under the Marwar Companies Ordinance 1923, or any law relating to companies for the time being in force in Marwar.

EXPLANATION:—Interest may of itself be sufficient evidence that the transaction was substantially unfair.

(3) This Section shall apply to any suit, whatever its form may be, if such suit is substantially one for the recovery of a loan or for the enforcement of any agreement or security in respect of a loan (or for the redemption of any such security).

(4) Nothing in this section shall affect the rights of any transferee for value who satisfies the court that the transfer to him was bonafide and that he had at the time of such transfer no notice of any fact which would have entitled the debtor as against the lender to relief under this section.

EXPLANATION:—A transferee will be said to have had "notice of a fact" when he actually knew that fact, or when, but for wilful abstention from an enquiry or search which he ought to have made, or gross negligence he would have known it.

(5) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any court.

6. The provisions of this part of the Act shall apply to all suits pending on or instituted after the commencement of this Act.

Retrospective effect.

PART IV.

Debts conciliation Boards.

7. (1) "Debt" includes all liabilities of a debtor in cash or in kind, secured or unsecured, payable under a decree or order of a civil court or otherwise, whether mature or not but shall not include debts incurred for the purposes of trade, arrears of wages, land revenue or anything recoverable as an arrear of land revenue or debt which is barred by the law of limitation (or which may be dealt with vide Section 11 of the Bapi rules) or debts due to co-operative societies or to the Imperial Bank of India or to any banking company registered under

Interpretation Clause
(definition.)

the Marwar Companies Ordinance 1923 or the law relating to companies for the time being in force in Marwar.

(2) "Debtor " means a person who owes a debt and

(i) who earns his livelihood mainly by agriculture, or who is a Bapidar or tenant of an agricultural land, or

(ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture,

(But shall not include a Jagirdar as defined in Marwar Jagirdars' Encumbered Estates Act, or a rent free grantee as defined in rules regarding rent free grants).

EXPLANATION (i) The term "Bapidar" in this section will have the same meaning as in the "Bapi-Rules".

EXPLANATION (ii) A debtor shall not lose his status as such through involuntary unemployment or on account of incapacity, temporary or permanent by bodily infirmity, or if he is or has been in service of His Highness' Military force or in the services of His Majesty's Military, naval or air force, only on account of his pay and allowances or pension exceeding his income from agricultural sources.

(iii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.

(iv) A debtor shall not lose his status as such only because he does not cultivate with his hands.

If any question arises in proceedings under this part of the Act, whether a person is a debtor or not the decision of a Debt Conciliation Boards shall be final.

(3) "Agriculture" shall include horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry, or bees, and the growth of fruit vegetables and the like.

(4) "Prescribed" means prescribed by the rules made under this part of the Act.

8. (1) (a) The Government of Jodhpur may for the purpose of amicable settlement between debtors and their creditors establish debt conciliation boards.

(b) The Government of Jodhpur shall define the local limits of the area in which a board shall have jurisdiction.

(c) The Government of Jodhpur shall determine the pecuniary limits of the Jurisdiction of the Board, provided that no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 5,000/-or such larger amount as the Government of Jodhpur may prescribe for any area.

(d) Such board shall consist of a chairman and two or more members to be appointed by the Government of Jodhpur.

(e) The chairman and every member of a board so established shall be appointed for a term not exceeding three years, but shall be eligible for re-appointment on the expiry of his term.

(f) The quorum of a board shall be prescribed by the Government of Jodhpur.

(g) Where the chairman and members of a board are not unanimous, the opinion of the majority shall prevail, and if the board is equally divided the chairman shall exercise a casting vote.

(2) The Government of Jodhpur may cancel the appointment of any member of a board or dissolve any board

(3) The Government of Jodhpur shall notify in the Gazette:—

(a) the establishment of a board and the appointment of its members; and the board shall be deemed to have been established and its members appointed from the date specified in such notification or notifications;

(b) the cancellation of the appointment of any member of a board; and from the date specified in such notification the member shall cease to be a member of the board;

(c) the dissolution of a board; and from the date specified in such notification the board shall cease to exist.

(4) When a board is dissolved or ceases to exist otherwise, the Government of Jodhpur may at any time establish another board within the same local limits in which the former board has jurisdiction and may declare this board to be the successor in office of the first board and may confer on it power to dispose of such applications under section 13 (2) and section 23 as the Government of Jodhpur may direct.

9. A debtor or any of his creditors may apply to the board appointed for the area in which a debtor resides or holds any land, to affect a settlement between the debtor and his creditors:

Application for settlement between debtor and his creditors.

Provided that no application shall be made if the debtor's debts exceed five thousand rupees or such larger sum as the Government of Jodhpur may prescribe for any particular area.

10. Every application to a board shall be in writing and be signed by the applicant and verified in such manner as may be prescribed.

Verification of application.

11. (1) Every application presented by a debtor to a board shall contain the following particulars namely:—

Particulars to be stated in application

(a) the place where he resides or holds land;

(b) the particulars of all claims against him together with names and residences of his creditors;

(c) the particulars of all his property together with a specification of the value of such property and the place or places at which any such property is to be found.

(d) a statement that he is unable to pay his debts, and that they do not exceed the prescribed amount.

(2) Every application presented by a creditor shall contain the following particulars namely:—

- (a) the place where the debtor resides or holds land;
- (b) the amount and particulars of his claim against such debtor;
- (c) a statement that the debtor is unable to pay his debts.

Procedure on receipt of application.

12. (1) On receipt of an application under Section 9, the board shall pass an order fixing a date and place for hearing the application:

Provided that the board may at any time dismiss the application if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and the creditors.

(2) Notice of the order under sub-section (1) shall be sent to creditors by registered post acknowledgment due, (or in such other manner as is approved by the Board) and where the debtor is not the applicant notice of the order under sub-section (1) shall be sent to him in a similar manner.

Notice calling upon creditors to submit statements of debts.

13. (1) On the date fixed the board shall publish, in such manner as may be prescribed, a notice, calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be submitted to the board in writing within two months from the date of publication of the notice.

Provided that, if the board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such direction within the time fixed, it may extend the period for the submission, of his statement of the debts owed to him.

(2) Every debt, of which a statement is not submitted to the board in compliance with the provisions of sub-section (1), shall be deemed for all purposes and all occasions to have been duly discharged:

Provided that if a creditor proves to the satisfaction of the board, or, if no board is vested with jurisdiction by the Government of Jodhpur, to the satisfaction of a civil court, that the notice was not served on him and that he had no knowledge of its publication the board or court may revive the debt.

Procedure on submission of statements of debts

14. (1) Every creditor submitting in compliance with a notice issued under sub-section (1) of Section 13 a statement of the debts owed to him shall furnish, along with such statement, full particulars of all such debts, and shall at the same time produce all documents (including entries in books of account) on which he relies to support his claims, together with a true copy of every such document.

Provided that a decree or order of a civil court shall be conclusive evidence as to the amount of the debt to which the decree relates, but the amount may be reduced as the result of an agreement arrived at in accordance with Section 17.

(2) The board shall, after marking for the purpose of identification every original document so produced and verifying the corrections of the copy retain the copy and return the original to the creditor.

Board to attempt amicable settlement.

15. The board shall call upon the debtor and each creditor to explain his case regarding each debt, and shall use its best endeavours to induce them to arrive at an amicable settlement.

16. Any board empowered under this Act may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on civil courts by the Code of civil Procedure, and every proceeding before the board shall be deemed a judicial proceeding.

Power of board to require attendance of persons and production of documents and to receive evidence.

17. (1) If the debtor and all or any of the creditors come to an amicable settlement, the board shall forthwith reduce such settlement to writing in the form of an agreement setting forth the amounts payable to each creditor and the manner in which and the times at which they are to be paid. Such agreement shall be read out and explained to the parties concerned, and shall be signed or otherwise authenticated by the board and the parties: provided that if the board is of the opinion that the period fixed for payment is excessive, the board may refuse to authenticate the agreement. The board shall also pass an order dismissing the application so far as it relates to the creditors who have not come to an amicable settlement.

Registration and effect of agreement.

(2) An agreement thus made shall take effect as if it were a decree of a civil court having jurisdiction in the area of the jurisdiction of the board.

18. If in the opinion of the board any applicant fails to conduct his application with due diligence, the board may dismiss the application at any stage.

Dismissal of applications in default.

19. If once an application has been made by a debtor and disposed of, no board shall entertain a second application within two years of the date of disposal of the first application.

Bar to successive applications.

20. (1) Where, during the hearing of any application made under section 9 any creditor refuses to agree an amicable settlement, the board may, if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought reasonably to accept grant the debtor a certificate, in such form as may be prescribed, in respect of the debts owed by him to such creditor:

Grant of certificate by board in respect of debts

Provided that the Board shall not grant a certificate unless the Board is satisfied that the creditors to whom not less than 40 per centum of the debtor's debt are owing, have come to an amicable settlement with the debtors.

(2) Where any creditor sues in a civil court for the recovery of a debt in respect of which a certificate has been granted under sub-section (1) the court notwithstanding the provisions of any law for the time being in force, shall not allow the plaintiff any costs in such suit, or any interest on the debt after the date of certification under sub-section (1) in excess of simple interest at six per centum per annum on the amount due on the date of such certificate.

Power to court to disallow costs or interest.

(3) Where after the date of an agreement made in accordance with section 17 or of certification any unsecured creditor sues for the recovery of a debt in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such agreement, any decree passed in such suit notwithstanding anything contained in the Marwar Code of Civil Procedure, shall not be executed until six months after the expiry of the period fixed in the agreement authenticated under sub-section (1) of section 17.

Bar of civil suits.

21. No civil court shall entertain:—

(a) any suit:—

(i) to question the validity of any procedure or the legality of any agreement made under this Act, or

(ii) to recover any debt recorded as wholly or partly payable under an agreement made in accordance with section 17 from any person who, as a debtor, was party to such agreement, or

(iii) to recover any debt which has been deemed to have been duly discharged under sub-section (2) of Section 13.

(b) any application to execute a decree, the execution of which is suspended under sub-section (3) of section 20.

Bar of appeal or revision.

22. No appeal or application for revision shall lie against any order passed by a board, except against an order under Section 20 in which case the appeal or application shall be made to the Revenue Minister.

Power of board to review its order.

23. A board may, on the application from any person interested, review any order passed by it and pass such order as it thinks fit:

Provided that it shall not under this section pass an order reversing or modifying any order affecting any person interested without giving such person an opportunity of being heard:

Provided further, that no application for review shall be entertained if presented more than twelve months after the date of the order which the person interested seeks to have reviewed.

Appearance of party before board by agent or by legal practitioner.

24. In any proceeding under this part of the Act, any party may with the permission of the board be represented by an agent authorised in writing or by legal practitioner.

Bar to new suits and applications and suspension of pending suits and applications.

25. When an application has been made to a board under Section 9, no civil court shall entertain any new suit or other proceeding brought for the recovery of any debt for the settlement of which application has been made to the board and any suit or other proceeding pending before a civil court in respect of any such debt shall be suspended until the board has dismissed the application or an agreement has been made under Section 17.

Extension of limitation.

26. The time spent in proceedings before a conciliation board and time during which a person is debarred from suing or executing his decree under the provisions of this part of this Act shall be excluded when counting the period of limitation for any application, suit or appeal.

Members of boards deemed to be public servants.

27. The members of a board shall be deemed to be public servants within the meaning of the Marwar Penal Code.

Power to make Rules.

28. (1) The Government of Jodhpur may make any rules consistent with this part of the Act to carry out the purposes thereof, and in particular and without prejudice to the generality of the foregoing power may make rules:—

(a) prescribing the amount of debt for the purposes of section 8 (1)(c)

(b) prescribing the quorum for and regulating the procedure before a board;

- (c) prescribing the charges to be made by a board for anything done under this Act and the persons by whom and the manner in which such charges shall be paid;
- (d) prescribing the records to be kept and the returns to be made by a board;
- (e) prescribing the allowances to be paid to members of a board;
- (f) prescribing the place at which and the manner in which an agreement shall be registered;
- (g) prescribing the form of certificate to be granted under sub-section (1) of section 20; and
- (h) generally, for the purpose of carrying into effect the provisions of this part of this Act.

(2) The power conferred by this section of making rules is subject to the condition that the rules be made after previous publication.

29. In making any rule the Government of Jodhpur may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach continues.

Penalty for breach of the rules.

PART V.

Damdupat.

30. (1) In any suit brought after the commencement of this Act against a debtor as defined in Section 7 for the recovery of a loan borrowed before the commencement of this Act no court shall grant a decree in satisfaction both of principal and interest for a larger sum than twice the amount which the court finds to have been due at the commencement of this Act.

Damdupat.

(2) In any suit brought against a debtor as defined in section 7 for the recovery of a loan borrowed after the commencement of this Act, no court shall pass a decree for a larger sum than twice the amount of the sum taken as principal.

PART VI

Deposit in Court

31. (1) Any person who owes money may at any time deposit in court a sum of money in full or part payment to his creditor.

Deposit in Court.

(2) The Court on receipt of such deposit shall give notice thereof to the creditor and shall, on his application, pay the sum to him.

(3) From the date of such deposit interest shall cease to run on the sum so deposited.

32. (1) The Government of Jodhpur may make rules for carrying into effect the provisions of this part of this Act.

Power of Government of Jodhpur to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide—

- (a) for determining the court into which the sum shall be deposited;

- (b) the procedure for keeping accounts of such deposits and the manner in which notices are to be served on creditors and payments made to them.

(3) The powers conferred by this section of making rules is subject to the condition that the rules be made after previous publication.

PART VII.

Miscellaneous Amendments of the civil law.

Warrant of arrest.

33. Notwithstanding anything to the contrary contained in any other law for the time being in force, no judgment-debtor shall be liable to arrest for default in the payment of any money due under a decree unless the court is satisfied that the judgment debtor has, without just cause, contumaciously refused to pay the amount of the decree, in whole or in part, within his capacity to make payment;

Provided that the court shall, before issuing a warrant of arrest, give an opportunity to the judgment-debtor to show cause against its issue:

Provided further that when a court has power under the law to order a temporary alienation of the land of a judgment-debtor in execution of a decree, the court shall not for the purpose of this section take into account the value of any such temporary alienation in considering the capacity of the judgment-debtor to pay; and

Provided further, that save in so far as otherwise provided in this section the court in considering the capacity of the judgment-debtor to pay shall take into consideration the value of the property of the judgment-debtor only to the extent to which a civil court can dispose of it under the law in execution of a decree.

Amendment of Section
60 (1) (c) of the Marwar
Code of Civil Procedure.

34. In section 60 (1) (c) of the Marwar Code of Civil Procedure, for the words "occupied by him" the following words shall be substituted "not let out on rent or lent to others or left vacant for a period of a year or more."

Amendment of order
XXI Rule 2 of the
Marwar Code of Civil
Procedure.

35. In order XXI, Rule 2, of the Marwar Code of Civil Procedure, sub-rule (3) shall be omitted.

Penalty for false claim
of a principal sum.

36. Where, in a suit for the recovery of a loan, the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred, the court may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.
